

**4. MONACO LINDGREEN COMMERCE PARK**  
**(Applicant)**

**07-7-CZ11-4 (07-11)**  
**Area 11/District 11**  
**Hearing Date: 7/19/07**

Property Owner (if different from applicant) Same

Is there an option to purchase ☒/lease ☐ the property predicated on the approval of the zoning request? Yes ☒ No ☐

If so, who are the interested parties? Alessander Holdings, LLC

Disclosure of interest form attached? Yes ☒ No ☐

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1999	Archbishop John C. Favalora	- Zone change from GU to BU-1A and RU-3M. - Non-Use variance. - Unusual Use lake.	CZAB-11	Approved w/conds.

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY ZONING APPEALS BOARD 11**

**APPLICANT:** Monaco Lindgreen Commerce Park

**PH:** Z07-011 (07-07-CZ11-4)

**SECTION:** 10-55-39

**DATE:** July 19, 2007

**COMMISSION DISTRICT:** 11

**ITEM NO.:** 4

**A. INTRODUCTION**

o **REQUESTS:**

- (1) RECONSIDERATION of a portion of Resolution CZAB11-39-99, passed and adopted by Community Zoning Appeals Board #11, which rezoned the subject property from GU to BU-1A, and only as it applies to the subject property, all in accordance with §33-319(k)(2) & (3) of the Miami-Dade County Code for the purpose of reaffirming the present BU-1A zoning as appropriate.\*

\*SHOULD THE BOARD REAFFIRM THE BU-1A ZONING, THEN THE FOLLOWING:

SHOULD THE COMMUNITY ZONING APPEALS BOARD #11 (CZAB #11) WISH TO REZONE TO ANOTHER CATEGORY NOT WITHIN THE SCOPE OF THIS ADVERTISEMENT, THEN THIS APPLICATION MUST BE DEFERRED WITH LEAVE TO AMEND TO ADVERTISE SUCH ZONE AS THE CZAB WISHES.

- (2) MODIFICATION of Condition #21 of Resolution #9375, passed and adopted by the Board of County Commissioners, last modified by Resolution CZAB11-39-99, passed and adopted by Community Zoning Appeals Board #11, only as it applies to the subject property, reading as follows:

FROM: "21. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'La Villette Townvillas,' as prepared by BGA Group, dated 7-15-99, and consisting of 15 sheets."

TO: "21. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'La Villette Boys' Town Commercial Parcel,' as prepared by Bellon, Milanes, Architects Planners, dated stamped received 5/8/07 and consisting of 8 sheets."

The purpose of request #2 is to permit the applicant to submit a revised site plan showing a new building layout in lieu of the previously approved plans.

Upon a demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(7) (Generalized Modification Standards) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

The aforementioned plans are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

o **SUMMARY OF REQUESTS:**

The applicant is seeking to reaffirm the existing BU-1A zoning approved pursuant to Resolution CZAB11-39-99. If reaffirmed, the applicant requests to submit a revised site plan showing a new building layout in lieu of the previously approved plans for a commercial development.

o **LOCATION:** The northwest corner of SW 120 Street and SW 137 Avenue, Miami-Dade County, Florida.

o **SIZE:** 4.42 Acres

o **IMPACT:**

The proposed reaffirmation of the BU1-A zoning of the property will allow the applicant to provide the community with additional commercial retail space and offices. However, said uses would bring additional traffic and activity to the surrounding community.

**B. ZONING HEARINGS HISTORY:**

In 1956, the Board of County Commissioners (BCC) granted a special permit that allowed a children's summer camp including facilities to operate on the subject property. Also in 1956, the BCC approved a special permit that allowed a church, school, rectory, convent and social center to operate on this site. In 1962, the Zoning Appeals Board (ZAB) granted an unusual use for a lake excavation on this site. In 1974, the ZAB granted a special exception and a modification of a previous Resolution that allowed the expansion of the aforementioned summer camp. In 1999, pursuant to Resolution CZAB11-39-99, the Community Zoning Appeals Board-11 (CZAB-11) rezoned a larger tract of land that included this property from GU, Interim District, to BU-1A, Limited Business District, and RU-3M, Minimum Apartment House District, and accompanying requests to allow a mixed use development consisting of commercial and residential uses, the filling of the lake, and an entrance feature. In 2000, pursuant to Resolution CZAB-11-45-00 a request to allow a lift station with a generator building on the southwest corner of this site was granted. In 2001, the property that was the subject of the 1999 hearing was placed under a building moratorium. In June 2007, pursuant to Resolution CZAB11-24-07, the subject property was granted a request for reconsideration of the portion of Resolution CZAB11-39-99 that rezoned the subject property from GU to BU1-A.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. The Adopted 2015 and 2025 Land Use Plan designates the subject property as being within the Urban Development Boundary for **Business and Office**. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities,

amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities such as cell towers and satellite telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking systems. These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.

**2. Uses and Zoning Not Specifically Depicted on the LUP Map.**

Some existing lawful uses and zoning are not specifically depicted on the LUP map. However, all such existing lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new commercial locations must be consistent with the LUP map or the specific exceptions provided in the various LUP map categories, and the objectives and policies of this Plan.

**3. Guidelines for Urban Form.**

The following guidelines establish a generalized pattern for location of different uses, their intensity and density, and the interconnecting network of vehicular and pedestrian movement. The general pattern of land use in residential communities should conform to the following guidelines to the maximum extent consistent with the land use patterns and densities authorized and encouraged by the Land Use Plan (LUP) map, and future amendments to the LUP map should endeavor to promote this localized form within the metropolitan pattern of urban centers and transit corridors. Exceptions may occur (a) for Developments of Regional Impact and Developments of County Impact or (b) to conform the density, intensity, use, building envelope, traffic generation and demand on services and infrastructure of a proposed new use to such contextual elements as the general pattern of use, intensity and infrastructure which exists in an established neighborhood.

4. Intersections of section line roads shall serve as focal points of activity, hereafter referred to as activity nodes. Activity nodes shall be occupied by any nonresidential components of the neighborhood including public and semi-public uses. When commercial uses are warranted, they should be located within these activity nodes. In addition, of the various residential densities which may be approved in a section through density averaging or on an individual site



basis, the higher density residential uses should be located at or near the activity nodes.

9. Along arterials, Major and high-speed roadways, pedestrian circulation should be accommodated by sheltering sidewalks from passing traffic by providing landscaping and trees at the street edge. In commercial areas, pedestrian access should be further accommodated by pedestrian pathways from the neighborhood to the business entrances as convenient as those from parking lots, and by providing awnings, overhangs or porticos for protection from the sun and weather.
4. **Policy LU-4A.** When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale or architectural elements, landscaping, hours of operation, buffering, and safety, as applicable.
5. **Policy LU-4C.** Residential neighborhoods shall be protected from intrusion by uses that would disrupt or degrade the health, safety, tranquility, character, and overall welfare of the neighborhood by creating such impacts as excessive density, noise, light, glare, odor, vibration, dust or traffic.

**D. NEIGHBORHOOD CHARACTERISTICS:**

**ZONING**

**LAND USE PLAN DESIGNATION**

**Subject Property:**

BU-1A; Vacant

Business & Office

**Surrounding Properties**

**NORTH:** RU-TH; Townhouse residences

Office & Residential

**SOUTH:** GU; Airport

Transportation

**EAST:** GU; Canal,  
RU-1 single family residences

Low Density Residential

**WEST:** GU; Park

Parks and Recreation

The 4.42-acre subject parcel is located immediately north of the Kendall-Tamiami Executive Airport. To the east is a canal and single-family residences, and a Miami-Dade County park lies to the west of the subject property. The residential townhouse community known as "Kendall Breeze" lies to the north.

**E. SITE AND BUILDINGS:**

**Site Plan Review:**

(Site plan submitted.)

Scale/Utilization of Site:

**Acceptable**

Location of Buildings:	Acceptable
Compatibility:	Acceptable
Landscape Treatment:	Acceptable
Open Space:	Acceptable
Buffering:	Acceptable
Access:	Acceptable
Parking Layout/Circulation:	Acceptable
Visibility/Visual Screening:	N/A
Energy Considerations:	N/A
Roof Installations:	N/A
Service Areas:	N/A
Signage:	N/A
Urban Design:	Acceptable

**F. PERTINENT REQUIREMENTS/STANDARDS:**

**Section 33-319. Administrative building moratoria**

(k) An administrative building moratorium shall be imposed upon the occurrence of the following events:

- (2) If an order of moratorium is imposed on a parcel or parcels of real property pursuant to this subsection, and the owner or owners of such property request the Board of County Commissioners or where appropriate the Community Zoning Appeals Boards to reconsider the zoning on that property, then a motion to reconsider the said zoning may properly be made by any County Commissioner or where appropriate any Community Zoning Appeals Board member. If the motion to reconsider is approved by the Board of County Commissioners or where appropriate the Community Zoning Appeals Board and the reconsideration of the zoning on the said property occurs, then the building moratorium shall end with the conclusion of the reconsideration process delineated below in Subsection (3).
- (3) Upon passage of a motion as provided in Subsection (2) above, the Clerk of the Board shall immediately notify the Director. The Board of County Commissioners or where appropriate the Community Zoning Appeals Board shall conduct its reconsideration only after notice of the time and place of the meeting has been first published as provided in Section 33-310 herein. If the existing zoning would permit a development of County impact (as defined in Section 33-304 herein) the Developmental Impact Committee shall prepare a report and present its recommendations to the appropriate Board at the advertised public hearing; otherwise, the Director and the Zoning Official shall furnish their reports and recommendations to the appropriate Board. The sole issue to be considered by the Board of County Commissioners or Community Zoning Appeals Board shall be whether the present zoning on the subject property is appropriate. In determining this issue, the Board of County Commissioners or the Community Zoning Appeals Board shall be guided by the standards and guides specified in this chapter. The Board of County Commissioners, or where appropriate, the Community Zoning Appeals Board after considering the items delineated herein and the criteria specified in this chapter, shall by resolution either reaffirm the existing zoning or rezone the subject property. The provisions of Section 33-316 relating to exhaustion

of remedies and court review are fully applicable to proceedings held in accordance with this subsection.

**Section 33-311 (A)(7), Generalized Modification Standards.** The board shall hear applications to **modify** or **eliminate** any condition or part thereof which has been imposed by any final decision adopted by resolution; provided, that the appropriate Board finds after public hearing that the modification or elimination, in the opinion of the Community Zoning Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned.

**Section 33-311(A)(17), Modification or Elimination of Conditions and Covenants After Public Hearing.** The Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met. Upon demonstration that such requirements have been met, an application may be approved as to a portion of the property encumbered by the condition or the restrictive covenant where the condition or restrictive covenant is capable of being applied separately and in full force as to the remaining portion of the property that is not a part of the application, and both the application portion and the remaining portion of the property will be in compliance with all other applicable requirements of prior zoning actions and of this chapter.

In evaluating an application for a **district boundary change**, **Section 33-311** provides that the Board take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary

public facilities which have been constructed or planned and budgeted for construction;

- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets and highways.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No comment</b>
MDT	<b>No comment</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Team Metro	<b>No objection</b>
Schools	<b>No comment</b>
Aviation	<b>No objection*</b>

\*Subject to conditions indicated in their memoranda.

**H. ANALYSIS:**

In accordance with Section 33-319(k)(2) and (3) of the Zoning Code of Miami-Dade County, the applicant seeks a reaffirmation of a previously approved district boundary change from GU, Interim District, to BU-1A, Limited Business District. If the present zoning is reaffirmed, the applicant seeks a modification of a condition from a previous resolution to allow a new site plan to be submitted. The subject 4.42-acre property is located at the northwest corner of SW 120 Street and SW 137 Avenue and is surrounded by an RU-TH, Townhouse District, zoned townhouse development to the north, a GU zoned park to the west, a GU zoned airport to the immediate south and a canal and an RU-1, Single-Family Residential District, zoned residential development to the east. The proposed development consists of one main parcel with two buildings and one out-parcel. It is L-shaped with buildings located at the north and east portions of the site and the out parcel is located on the west portion of the site. The applicant has provided buffering for the entire site with landscaping on the south, east and west perimeters and a 5' high masonry wall to the north of the subject property. The property lies within the Urban Development Boundary and is designated for **business and office** use. The applicant intends to develop the site for office and retail uses.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that this application meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. However, the applicant will have to comply with all DERM requirements as set forth in their memorandum pertaining to this application. The **Public Works Department** has **no objections** to this application. The application meets the traffic currency criteria and will generate **389** PM daily peak hour **vehicle trips**. The traffic distribution of these trips to the adjacent roadways reveals that the addition of these new trips does not exceed the

acceptable Level of Service (LOS) of the area roadways, which are currently operating at LOS "B", "C", and "D". The Miami-Dade Fire and Rescue Department (**MDFR**) has **no objections** to the application. The **Aviation Department** also has **no objections** to this application and indicates in their memorandum that the application conforms to the Miami-Dade County Height Zoning Ordinance, but that the applicant will need to obtain a "No-Hazard" determination from the Federal Aviation Administration (**FAA**) prior to construction.

Approval of this application would allow the applicant to build a commercial retail and office project on the 4.42-acre parcel of land. The Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP) designates this site as **Business and Office** use. This designation accommodates a full range of sales and service activities which include, among other things, retail, wholesale, personal and professional services, **commercial and professional offices**, hotels, motels, hospitals, medical buildings, nursing homes, entertainment and cultural facilities, amusements and commercial recreation establishments. Further, Policy LU-4A states that when evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, odor, traffic, parking, height, scale, landscaping, buffering or architectural elements. As previously noted, the applicant is providing adequate buffering around the perimeter of the site through landscaping and a 5' high masonry wall. The proposed development is one-story and is not out of scale with the townhouses to the north, the single-family residences to the east and would not adversely impact the park to the west or the airport to the south. Additionally, the location of the site at the intersection of two major thoroughfares, SW 120<sup>th</sup> Street and SW 137 Avenue, provides for an optimal location for access to the proposal. As indicated in the Guidelines for Urban Form, intersections of section line roads shall serve as focal points of activity, known as activity nodes. It further indicates that when commercial uses are warranted, they should be located within these activity nodes. Based on all of the above, staff opines that this proposal, as configured, would be harmonious with the scale and size of the proximate land uses as addressed. The project, as designed, would be **consistent** with the Business and Office LUP map designation of the CDMP and **compatible** with the surrounding area.

The subject 4.42-acre parcel was originally part of a 1999 zoning hearing application for a larger tract of land that requested, among other things, district boundary changes from GU to BU-1A and RU-3M, Minimum Apartment House District. Pursuant to Resolution No. CZAB11-39-99, the aforementioned district boundary changes with accompanying requests were approved. Subsequent to the approval, an administrative building moratorium was imposed on the property. In order to develop the subject property, the owner was required, in accordance with Chapter 33-319(k)(2) and (3), to file a zoning application to either reaffirm the existing zoning or rezone to another zoning designation from the appropriate board. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The Board shall consider if the development will have a favorable or unfavorable impact on the economy

of Miami-Dade County, if it will efficiently utilize or unduly burden water, sewer, solid waste disposal, recreation, education, public transportation facilities which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways. If reaffirmed, the proposed BU1-A zoning district would provide additional retail and office space for the use and convenience of the surrounding community. This project will not have an unfavorable impact on the water, sewer, solid waste disposal, or other public services and will not have an unfavorable impact on the environment as indicated by the memorandum submitted by DERM. Additionally, the proposed development does not unduly burden or affect public transportation as indicated by the memorandum submitted by the Public Works Department for this application. The location of the site at the intersection of two major thoroughfares, SW 120<sup>th</sup> Street and SW 137 Avenue, provides for an optimal location for access to the proposal. Additionally, as indicated in the Guidelines for Urban Form, intersections of section line roads shall serve as focal points of activity, known as activity nodes. It further indicates that when commercial uses are warranted, they should be located within these activity nodes. Staff is of the opinion that the approval of the requested district boundary change would not have an unfavorable effect on the surrounding area and would not be contrary to the public interest. Staff is of the opinion that the requested zoning is **compatible** with the surrounding uses and would not negatively impact the surrounding area. As such, said BU-1A zoning should be reaffirmed.

If the current zoning is reaffirmed, the applicant is also seeking to modify Condition #21 of Resolution No. 9375 as last modified by Resolution No. CZAB11-39-99 (request #2) under the Generalized Modification Standards, Section 33-311(A)(7). The previous plans submitted for the 1999 hearing to rezone the property to BU-1A consisted of a main parcel with an L-shaped building that followed the perimeter of the 2 sides of the property, and two out-parcels. The newly submitted plans are not significantly different from the previously approved plans. The new plans have one main parcel that consists of two buildings and one out-parcel which will house a bank. Building #1 is located at the northeast corner of the subject property and Building #2 is located in the southeast portion of the subject property. A fast food establishment with drive through service will be located in Building #2. Staff is of the opinion that the approval of the requested modification to permit the applicant to develop the site in accordance with the new plans would not generate excessive noise or traffic, tend to create a fire or other equally greater dangerous hazard, provoke excessive overcrowding of people, tend to provoke a nuisance or be incompatible with the area. The applicant has successfully mitigated any negative impact caused by the development by providing landscape buffering consisting of predominately native species such as lancewood, cocoplum, crabwood, royal and cabbage palms at the south, east and west portions of the subject property and additionally, by a 5' high masonry wall which buffers the commercial center from the residences located to the north of the subject property. Therefore, staff recommends approval of request #2 under Section 33-311(A)(7).

The Modification or Elimination of Conditions or Covenants After Public Hearing Standards, Section 33-311(A)(17), provide that the Community Zoning Appeals Board shall approve applications to modify or eliminate any condition or part thereof which has been imposed by any zoning action, and to modify or eliminate any restrictive covenants, or parts thereof, accepted at public hearing, upon demonstration at public hearing that the requirements of at least one of the paragraphs under this section has been met.

However, the applicant has not provided staff with the documentation required for analysis of the request under this standard. As such, the request cannot be approved under same, and therefore, staff recommends denial without prejudice of the request #2 under Section 33-311(A)(17).

Based on all of the aforementioned, staff is of the opinion that the application is **consistent** with the LUP map designation of the CDMP, and that the applicant's proposed utilization of the site in accordance with the proposed plans is **compatible** with the surrounding area. Accordingly, staff recommends approval of request #1 under Section 33-319(k)(2) and (3) approval of request #2 with conditions under Section 33-311(A)(7) and denial without prejudice of same under Section 33-311(A)(17).


**RECOMMENDATION:**

Approval of the reaffirmation of the BU-1A zoning under Section 33-319(k)(2) and (3) (request #1), and approval of request #2 with conditions under Section 33-311(A)(7), and denial without prejudice of same under Section 33-311(A)(17)

**J. CONDITIONS:** On Request #2:

1. That a site plan be submitted to and meet with the approval of the Director of the Department of Planning and Zoning upon the submittal of an application for a building permit and/or Certificate of Use; said plan to include among other things but not be limited thereto, location of structure or structures, exits and entrances, drainage, walls, fences, landscaping, etc.
2. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to issuance of a Certificate of Use and Occupancy.

**DATE INSPECTED:** 05/24/07  
**DATE TYPED:** 06/19/07, 6/25/07  
**DATE REVISED:** 06/26/07, 6/29/07, 7/02/07, 7/03/07  
**DATE FINALIZED:** 07/03/07  
SB:MTF:LVT:CXH:CI

  
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Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** February 1, 2007

**To:** Diane O'Quinn-Williams, Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name in the "From:" field.

**Subject:** C-11 #Z2007000011  
Monaco Lindgreen Commerce Park, Inc.  
Northwest Corner of S.W. 120<sup>th</sup> Street and S.W. 137<sup>th</sup> Avenue  
Modification of a Resolution to Permit a New Site Plan  
(BU-1A) (4.8 Acres)  
10-55-39

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

#### Potable Water Service and Wastewater Disposal

Public water and public sanitary sewers can be made available to the subject property. Therefore, connection of the proposed development to the public water supply system and sanitary sewer system shall be required, in accordance with Code requirements.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards, subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, and in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted, if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted, in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

#### Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade County Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.



All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the LOS standards for flood protection set forth in the CDMP, subject to compliance with the conditions required by DERM for this proposed development order.

#### Hazardous Materials Management

Due to the nature of uses allowed in the existing zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the requested zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

#### Operating Permits

Section 24-18 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant is advised that the requested use of the subject property will require operating permits from DERM. It is, therefore, suggested that the applicant contact DERM concerning operating permit requirements.

#### Fuel Storage Facilities

Section 24-45 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The applicant is advised to contact the Storage Tank Section of DERM concerning permitting requirements for fuel storage facilities.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Natural Forest Communities

The subject property is near a county-designated Natural Forest Community (NFC). NFC's are upland natural areas (Pine Rockland and Hardwood Hammocks) that meet one or more of the following criteria: the presence of endangered, threatened, rare or endemic species; low percentage of site covered by exotic plant species; high overall plant diversity; wildlife habitat values; and geological features. This NFC will be maintained by the use of periodic ecological prescribed burning. This management technique reduces the wildfire threat and is beneficial to wildlife and the rare plant species harbored by this plant community. Such burning is generally performed once every three years. The subject property lies within the potential smoke dispersion corridor of this pineland. Consequently, the

subject property may be affected by the periodic smoke events from the prescribed burns or unexpected wildfires.

Tree Preservation

There are no tree resources issues on the subject property.

Enforcement History

DERM has found no open or closed enforcement record for the subject property.

Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MONACO LINDGREEN COMMERCE PARK

This Department has no objections to this application.

Roadway improvements, median openings and storage lanes are subject to the approval of the Director.

Concrete power poles along SW 137 Avenue and SW 120 Street may have to be relocated to accommodate proposed driveways.

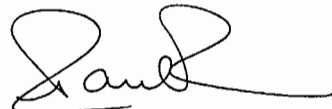
Driveway(s) to SW 137 Ave must meet current F.D.O.T. access management requirements; contact the district office at 305-470-5367 for driveway and drainage permits.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 389 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9760	SW 120 St. w/o SW 122 Ave.	D	D
9762	SW 120 St. w/o SW 137 Ave.	B	B
9812	SW 137 Ave. s/o SW 104 St.	C	C
9814	SW 137 Ave. s/o SW 120 St.	C	C

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

09-MAY-07



Miami Dade Aviation Department  
P.O. Box 025504  
Miami, FL 33102-5504

www.miami-airport.com

miamidade.gov

Commercial Airport:  
Miami International Airport

General Aviation Airports:  
Dade-Collier Training & Transition  
Homestead General  
Kendall-Tamiami Executive  
Opa-locka  
Opa-locka West

May 22, 2007

Leila M. Jackson Batties, Esq.  
Holland & Knight LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131-2847

**RE: Land Use and Airspace Analysis for Zoning Application #07-011 Monaco Lindgreen  
Commerce Park- NW Corner of SW 120 Street & SW 137 Avenue, Miami, Florida**

Dear Ms. Batties:

The Miami-Dade Aviation Department (MDAD) is in receipt of your submittal for a land-use/airspace analysis and determination letter for the above referenced project.

**Land Use Review:**

Based on the available information, MDAD has determined that the majority of the referenced property is located inside the No School Zone (NSZ) as defined in the Height and Land Use Zoning Ordinance #99-118 for Kendall-Tamiami Executive Airport (TMB). The NSZ does not permit new educational facilities (excluding aviation related schools, but including day care facilities) within this land use classification.

**Airspace Review:**

Our review finds that the maximum allowable height is 73 feet AMSL (Above Mean Sea Level) at the southeast corner of the parcel, and increasing at a rate of 7:1 to a maximum allowable height of 124 feet AMSL at the northeast corner of the parcel. Therefore, the proposed project height of 48.5 feet AMSL conforms to the Miami-Dade County Height Zoning Ordinance. Please refer to the attached exhibit depicting the referenced property in relation to the County's Height Zoning Ordinance. Please note, the parcel lies within the Transitional District.

This height determination is an estimate issued on a preliminary or advisory basis. Please note that as a preliminary height determination it does not constitute approval by Miami-Dade Aviation Department for construction until coordination and a "No-Hazard" determination from the Federal Aviation Administration (FAA) is obtained.

Leila M. Jackson Batties, Esq.  
May 21, 2007  
Page 2


Before proceeding with design, any proposed construction at this location reaching or exceeding 25 feet must be filed with the FAA by using form 7460-1 'Notice of Proposed Construction Alteration for Determination of Known Hazards'.

In addition, any construction cranes reaching or exceeding 25 feet for this project must be filed by the construction contractor using the same form. Thus, for any structure or crane reaching or exceeding 25 feet associated with this project, FAA form 7460-1 must be filed. The form is available through this office or through the FAA website: <https://oeaaa.faa.gov>. This form should be mailed to: Federal Aviation Administration, Air Traffic Airspace Branch - ASW-520, 2601 Meacham Blvd, Ft. Worth, TX 76137-0520. Alternatively, the developer may "e-file" online at <https://oeaaa.faa.gov>.

Please note that the airspace review process is governed by two different regulations: the Miami-Dade County Height Zoning Ordinances and Federal Regulation Title 14 Part 77. The FAA has its own airspace evaluation requirements, and issues airspace determinations for structures and cranes based on the particular facts then presented before the FAA. The County's Department of Planning and Zoning (P&Z) or the applicable municipal building official determines whether the County's zoning requirements and height limitations are met, and FAA determines whether FAA building, marking and height requirements are met.

This determination is based, in part, on the description provided to us by you, which includes specific building locations and heights. Any changes in building locations, layouts or heights will void this determination. Any future construction or alteration, including an increase to heights requires separate notice to the FAA and MDAD.

Sincerely,



Jose A. Ramos, R.A.  
Chief of Aviation Planning Section

JR/RB/cf

C: S. Harman  
Jo Ann Pirello, Zoning Hearing Section, Department of Planning & Zoning  
Earl Newalu, FAA  
File Zoning

124 ft. AMSL



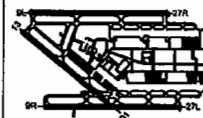
73 ft. AMSL

MIAMI-DADE  
COUNTY

Kendall-Tamiami Executive Airport Height Zoning Map  
Monaco Lindgreen #07-011  
SW 120 St. & SW 137 Ave.  
Folio: 3059100000152

Notes: 1. Protection of the Miami-Dade County height zoning surfaces in no way guarantees the outcome of an airspace evaluation conducted by the Federal Aviation Administration (FAA).  
2. All height zoning contour elevations are depicted in units of feet above Mean Sea Level (MSL).

AIRPORT DIAGRAM - ACTIVE RUNWAYS



Aviation Planning Division

May 14, 2007

SW 120TH ST

124 ft. AMSL

73 ft. AMSL

2557.53

9.5'

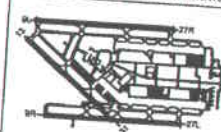
50'

MIAMI-DADE  
COUNTY

Kendall-Tamiami Executive Airport Height Zoning Map  
Monaco Lindgreen #07-011  
SW 120 St. & SW 137 Ave.  
Folio: 3059100000152

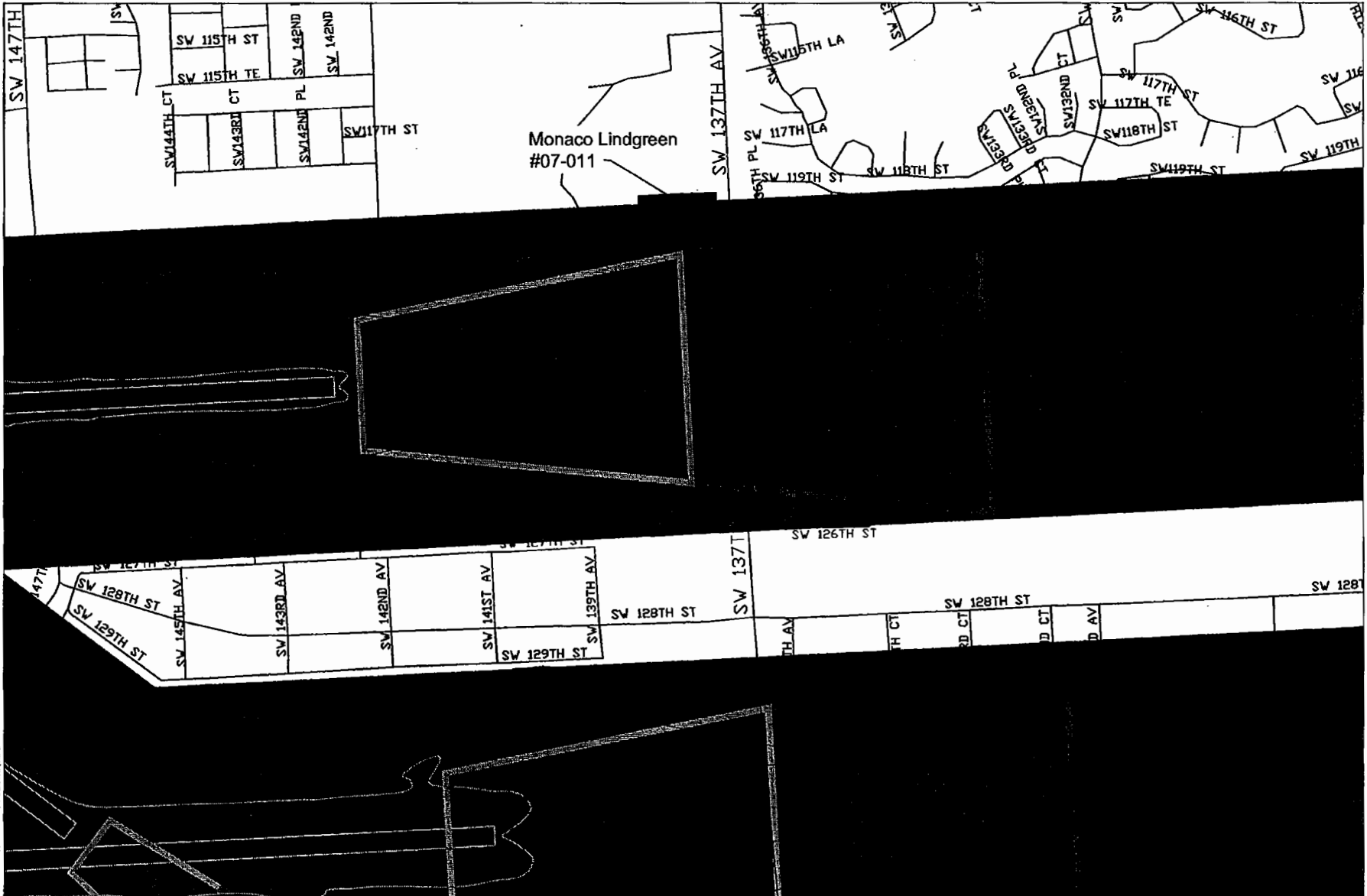
Notes: 1. Protection of the Miami-Dade County height zoning surfaces in no way guarantees the outcome of an airspace evaluation conducted by the Federal Aviation Administration (FAA).  
2. All height zoning contour elevations are depicted in units of feet above Mean Sea Level (MSL).

AIRPORT DIAGRAM - ACTIVE RUNWAYS



Aviation Planning Division

May 14, 2007



Monaco Lindgreen  
#07-011



Kendall-Tamiami Executive Airport Land Use Zoning  
Monaco Lindgreen Commerce Park  
#07-011  
Folio: 3059100000152

**LEGEND:**

- ISZ Inner Safety Zone
- OSZ Outer Safety Zone
- ILZ Inner Land Use Zone (76 DNL Noise Contour)
- OLZ Outer Land Use Zone (65 DNL Noise Contour)
- NSZ No School Zone



Aviation Planning Division

May 14, 2007



# Memorandum



**Date:** 16-MAR-07

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department

**Subject:** Z2007000011

## Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated February 1 2007.

### APPROVAL:

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped February 20 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

## Service Impact/Demand:

Development for the above Z2007000011  
located at THE NORTHWEST CORNER OF S.W. 120 STREET & S.W. 137 AVENUE, MIAMI-DADE COUNTY,  
FLORIDA.

in Police Grid 1919 is proposed as the following:

<u>N/A</u> residential	dwelling units	<u>N/A</u> industrial	square feet
<u>N/A</u> Office	square feet	<u>N/A</u> institutional	square feet
<u>61,927</u> Retail	square feet	<u>N/A</u> nursing home/hospitals	square feet

Based on this development information, estimated service impact is: 17.55 alarms-annually.

## Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 36 - Hammocks - 10001 Hammocks Blvd.

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments:

Current service impact calculated based on letter of intent date stamped January 16 2007. Substantial changes to the letter of intent will require additional service impact analysis.

# TEAM METRO

## ENFORCEMENT HISTORY

MONACO LINDGREEN COMMERCE  
PARK

THE NORTHWEST CORNER OF  
S.W. 120 STREET & S.W. 137  
AVENUE, MIAMI-DADE COUNTY,  
FLORIDA.

---

**APPLICANT**

---

**ADDRESS**

Z2007000011

---

**HEARING NUMBER**

### CURRENT ENFORCEMENT HISTORY:

There is substantial compliance in that the illegal signage was removed, however the structures supporting the signs remain on the property. The new property owners will have seven days to remove these structures.

**DISCLOSURE OF INTEREST\***

If a **CORPORATION** owns or leases the subject property, list principal, stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: Monaco Lindgreen Commerce Park, Inc.

<u>NAME AND ADDRESS</u>	<u>Percentage of Stock</u>
<u>Roberto Vinas, President</u>	<u>50% Re.</u>
<u>Raquel Carro, Vice President</u>	<u>50%</u>
<u>1313 Ponce de Leon Boulevard, Suite 201</u>	
<u>Coral Gables, Florida 33134</u>	

If a **TRUST** or **ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME: \_\_\_\_\_

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____

**RECEIVED**  
207-011  
JAN 16 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT  
BY \_\_\_\_\_

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: Alessander Holdings, LLC

NAME AND ADDRESS (if applicable)	Percentage of Interest
<u>Sergio Pino, Manager</u>	<u>100%</u>
<u>7270 NW 12<sup>th</sup> Street, Suite 410</u>	
<u>Miami, Florida 33126</u>	

Date of contract: \_\_\_\_\_

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

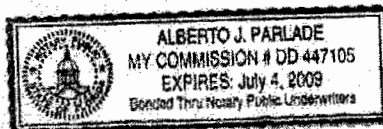
**NOTICE:** For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: [Signature] (Applicant)

Sworn to and subscribed before me this 16<sup>th</sup> day of OCT. 2006. Affiant is personally known to me or has produced \_\_\_\_\_ as identification.

(Notary Public)



My commission expires \_\_\_\_\_

\*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

**RECEIVED**  
207-04  
JAN 16 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY \_\_\_\_\_

24

[illegible]

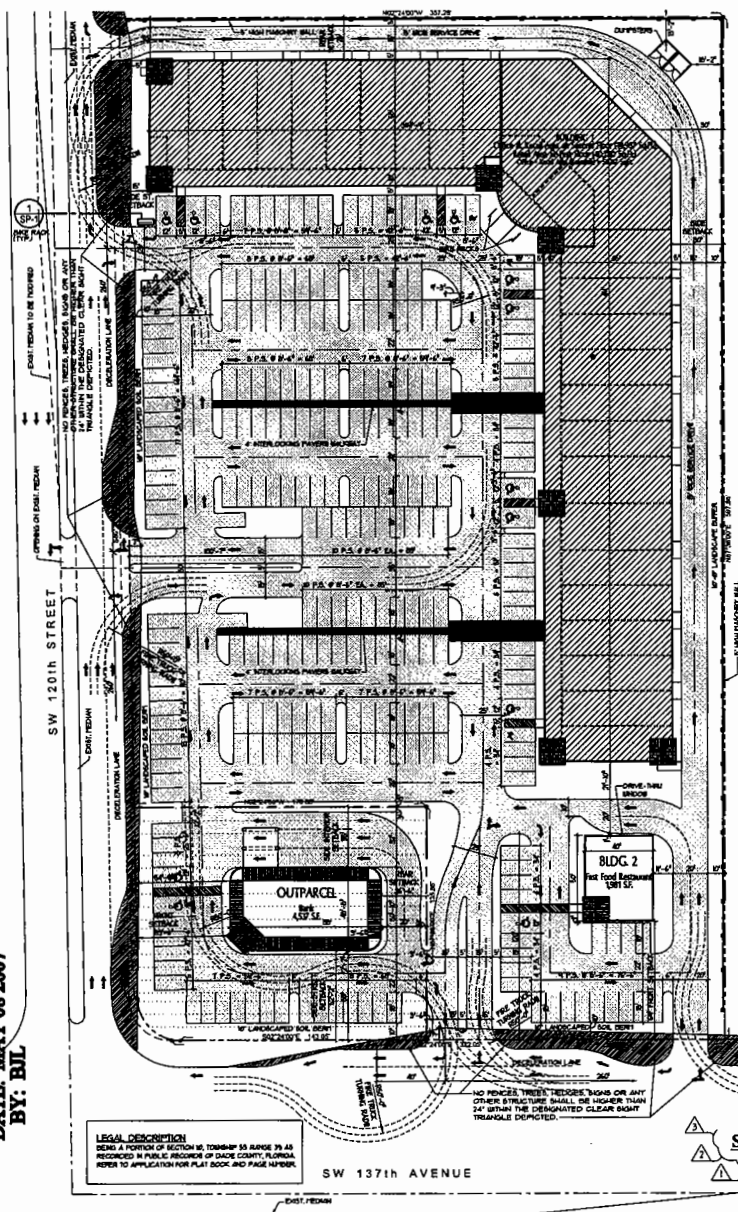
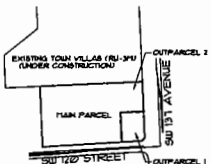
MIAMI AIRPORT

MIAMI-DADE COUNTY

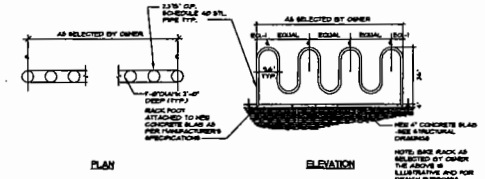
PROCESS #: Z07-011

**DATE: MAY 08 2007**

**BY: BUL**

RESIDENTIAL PARCEL  
(BY OTHERS - NOT A PART)

LOCATION MAP

[illegible]

① BICYCLE RACK  
N.T.C.

**Bellón  
Milanés**  
L. 100.16214

13200 S.W. 128 STREET  
BUILDING "G"  
MIAMI, FLORIDA 33184  
T. (305) 278-7778  
F. (305) 278-7873  
WWW.BELLOWSLAWFIRM.COM

AA-0003903

ARCHITECTURE  
LAND PLANNING  
INTERIORS  
CONSTRUCTION MANAGEMENT

**LA VILLETE**  
**BOYS' TOWN COMMERCIAL PARCEL**  
MIAMI-DADE COUNTY, FLORIDA

DATE: 12-20-2005  
DRAWN: AV JR  
CHECKED: HL  
PROJ. NO: 20008468  
1. 01.05.2007  
2. 01.14.2007  
3. 01.04.2007

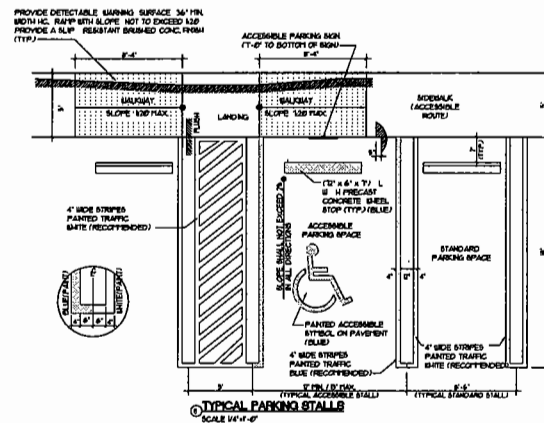
LEOPOLDO BELLOW, AM  
AR-008737

ANGEL MELANEX, AIA  
AR-0013845

SP-1

SP-1

**RECEIVED**  
**MIAMI-DADE COUNTY**  
**PROCESS #: Z07-011**  
**DATE: MAY 08 2007**  
**BY: BJL**












SP-2

### STATE OF AN' DETAILS



LANDING LANDING		OFF PLANE		PLANNED		No. of Chapter and Collection Month	
Zoning District		R-6A		Lot Area		23,800 Sq. Ft.	
OFF PLANE		OFF PLANE		OFF PLANE		OFF PLANE	
1. Square Feet of open space required by Chapter 33, as indicated on Site Plan		23,800 sq. ft. x .36 =		8,568 sq. ft.		8,568	
2. Square Feet of parking lot open space required by Chapter 33A, as indicated on Site Plan		23,800 sq. ft. x .36 =		8,568 sq. ft.		8,568	
3. Total sq. ft. of landscaped open space required by Chapter 33. A = B + C		8,568 sq. ft. + 8,568 sq. ft. =		17,136 sq. ft.		17,136	
LAND AREA CALCULATION		LAND AREA CALCULATION		LAND AREA CALCULATION		LAND AREA CALCULATION	
4. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
5. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
6. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
7. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
8. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
9. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
10. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
11. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
12. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
13. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
14. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
15. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
16. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
17. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
18. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
19. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
20. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
21. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
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25. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
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28. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
29. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
30. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
31. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
32. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
33. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
34. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
35. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
36. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
37. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
38. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
39. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
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41. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
42. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
43. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
44. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
45. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
46. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
47. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
48. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
49. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
50. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
51. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
52. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
53. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
54. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
55. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
56. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
57. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
58. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
59. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
60. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
61. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
62. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
63. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
64. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
65. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
66. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
67. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
68. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
69. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
70. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
71. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
72. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
73. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
74. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
75. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
76. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
77. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
78. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
79. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
80. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
81. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
82. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
83. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
84. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
85. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
86. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
87. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
88. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
89. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
90. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
91. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
92. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
93. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
94. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
95. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
96. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
97. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
98. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
99. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	
100. Minimum lot area (sq. ft.) indicated =		23,800 sq. ft.		23,800 sq. ft.		23,800 sq. ft.	

SYMBOL USED ON PLAN		PLANT NAME		CANYON BATHY CALIF		HEIGHT		CANOPY COVER		QUANTITY	REMARKS
Symbol	Notes	Scientific Name	Common Name	Yrs	Wt	Wt	Estimated at maturity	Estimated at maturity			
	x	Nerandra Oleacea	Lancewood	x	3 - 4 inches	12 Feet	30 - 35 Feet			8	
	x	Ophrys Spheerula	Widow Bacc	x	3 - 4 inches	12 Feet	28 - 30 Feet			2	
	x	Gymneresia Lutea	Cashwood	x	3 - 4 inches	12 Feet	20 - 30 Feet			0	
	x	Royaltownia Lutea	Royal Palm	x	8 inches	12 - 24 Feet	50 Feet	30 Feet		0/2 = 0	
	x	Sisal Palmata	Ocotea Palm	x	8 inches	12 - 18 Feet	40 Feet	10 Feet		4/12 = 3	
	x	Myrica Pumila	Wax Maple Dwarf	x		1 Feet	3 Feet			154	11 Feet x 1 Feet 2 Feet O.C.
	x	Chrysothamnus frax	Ocoteum	x	2 Feet	10 to 12 Feet	8 Feet	60		3,880	2 Feet x 2 Feet 30 Inches O.C.
	x	Sarcocornus	Succulent	x						2,880	
	x	Sarcocornus	Succulent	x						2,880	

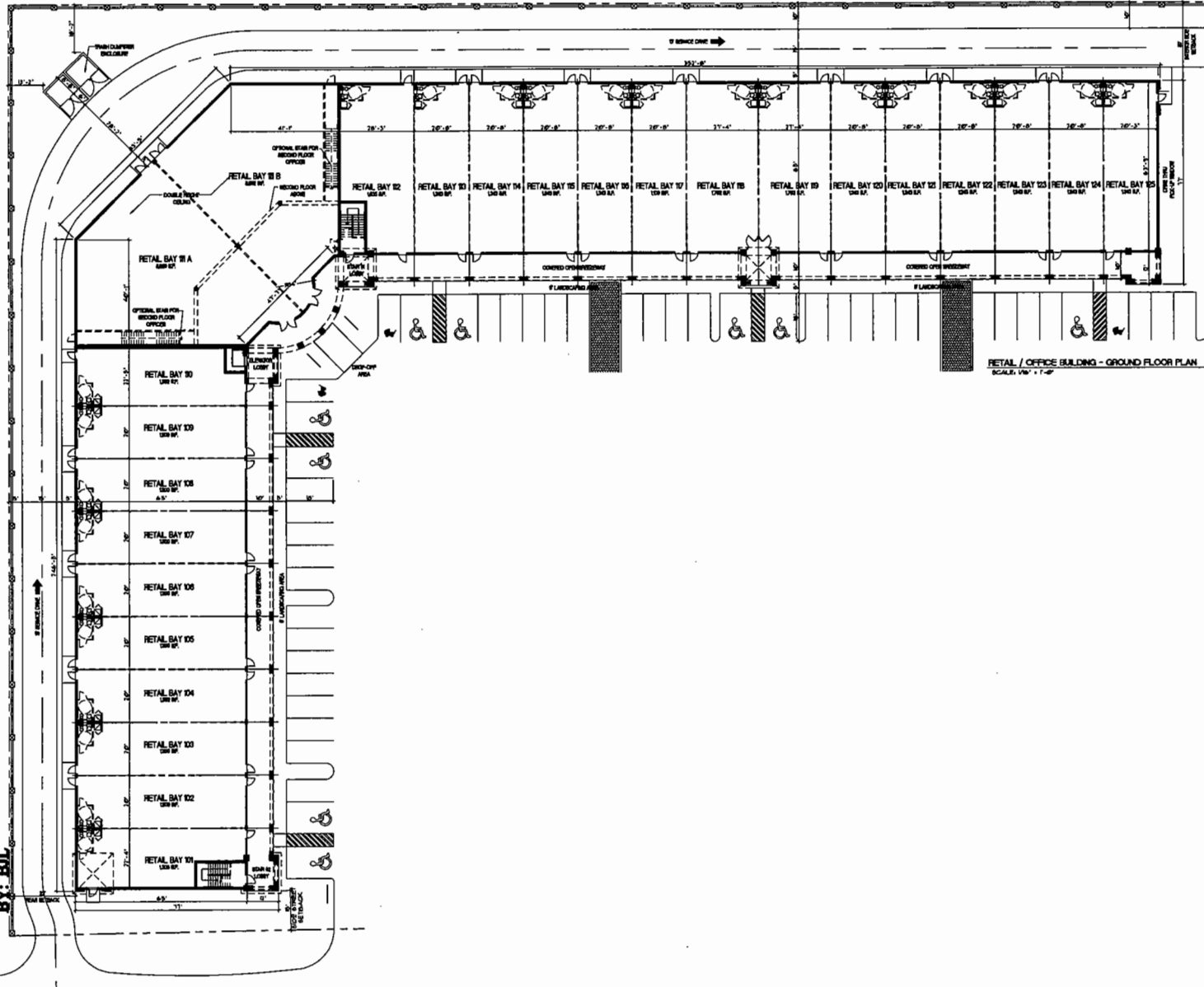


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L-1  
OF

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MIAMI-DADE COUNTY  
PROCESS #: Z07-011  
DATE: MAY 08 2007  
BY: BUL



13200 S.W. 112 STREET  
MIAMI, FLORIDA 33186  
T: (305) 378-7778  
F: (305) 378-7475  
WWW.BELLONMILANES.COM  
AA-0003205

ARCHITECTURE  
LAND PLANNING  
INTERIORS  
CONSTRUCTION MANAGEMENT

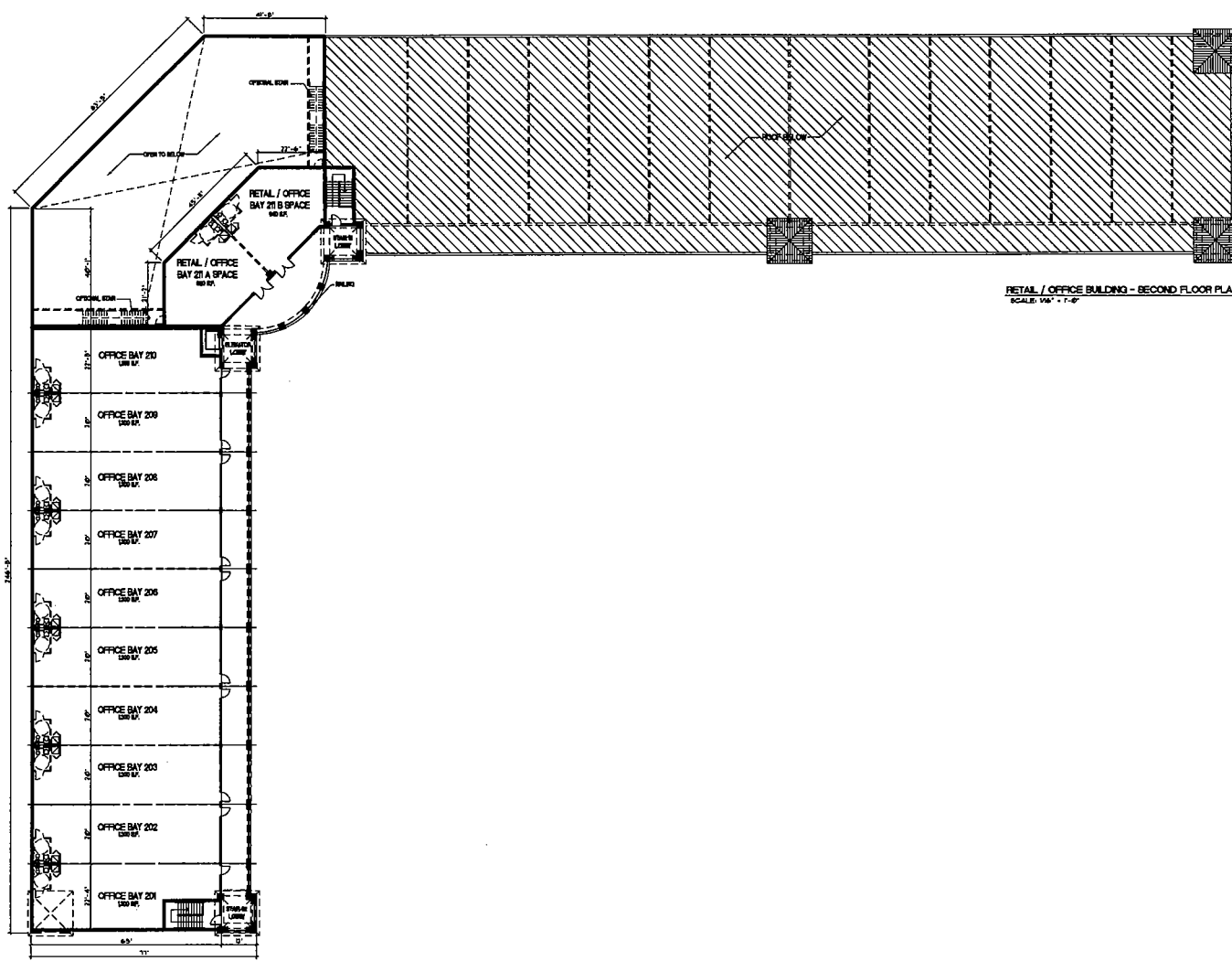
LA VILLETE  
BOYS' TOWN COMMERCIAL PARCEL  
MIAMI-DADE COUNTY, FLORIDA

DATE: 05-08-2007  
DRAWN: JAV  
CHECKED: ML  
PROJ. NO. 2007000000  
1.  
2.  
3.  
LEOPOLDO BELLON, AIA  
AA-000327  
ANGEL MILANES, AIA  
AA-0015843  
A-1  
OF



29

RECEIVED  
 MIAMI-DADE COUNTY  
 PROCESS #: Z07-011  
 DATE: MAY 08 2007  
 BY: BJL



13200 S.W. 128 STREET  
 BUILDING "A"  
 MIAMI, FLORIDA 33186  
 T: (305) 278-7778  
 F: (305) 278-7475  
 WWW.BELLONMILANES.COM  
 AA-0003303

ARCHITECTURE  
 LAND PLANNING  
 INTERIORS  
 CONSTRUCTION MANAGEMENT

LA VILLETE  
 BOYS' TOWN COMMERCIAL PARCEL  
 MIAMI-DADE COUNTY, FLORIDA

DATE: 12-20-2005  
 DRAWING: AV 31  
 CHECKED: ML  
 PROJ. NO: 20050401  
 1.  
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LICENCIADO BELLON, AA  
 AA-0003303

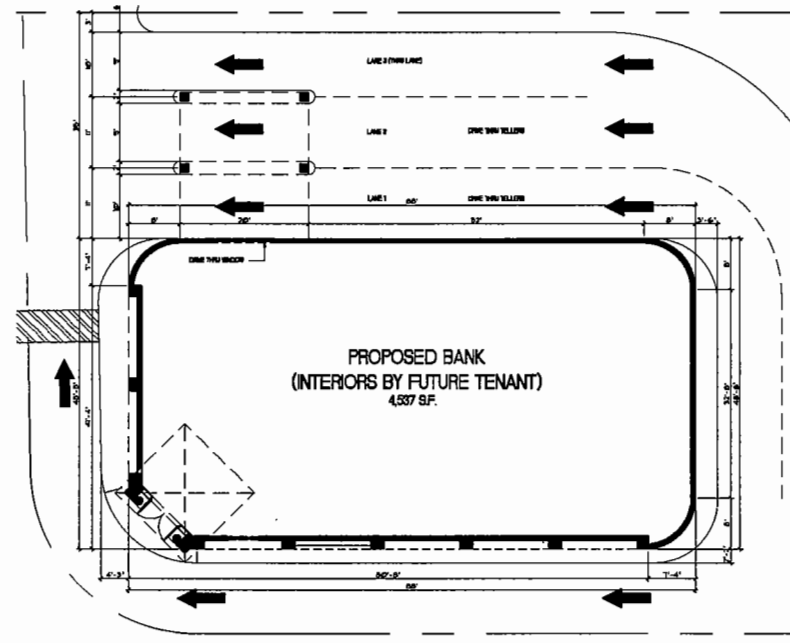
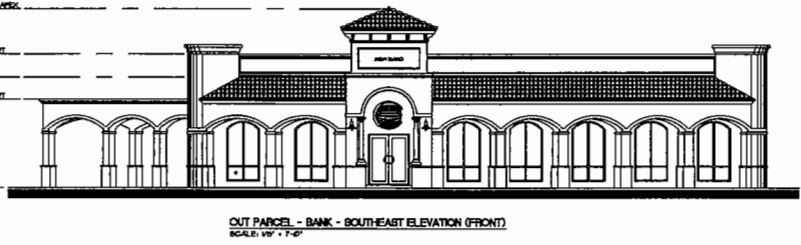
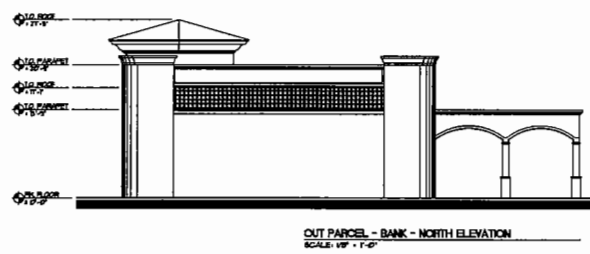
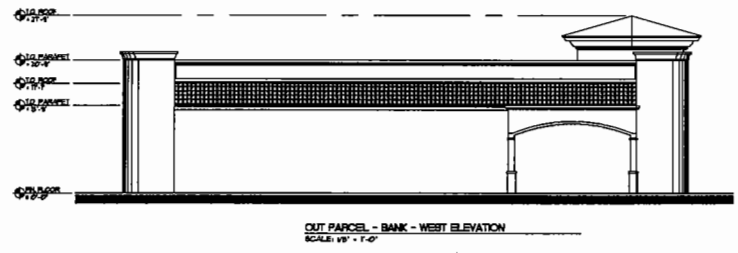
ANEXIL MILANES, AA  
 AA-0013843

A-2  
 OF

30

CONTRACTOR: THE BELLOM MILANES ARCHITECTURAL FIRM, INC. 13200 S.W. 136 STREET, SUITE 100, MIAMI, FLORIDA 33186  
 PROJECT: LA VILLETTE BOYS' TOWN COMMERCIAL PARCEL, MIAMI-DADE COUNTY, FLORIDA  
 DATE: MAY 08 2007  
 BY: B.M.

MIAMI-DADE COUNTY  
 PROCESS #: Z07-011  
 DATE: MAY 08 2007  
 BY: B.M.



13200 S.W. 136 STREET  
 BUILDING "C"  
 MIAMI, FLORIDA 33186  
 T. (305) 378-7778  
 F. (305) 378-7432  
 WWW.BELLOMILANES.COM  
 AA-0003503

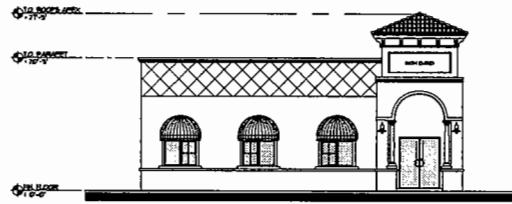
ARCHITECTURE  
 LAND PLANNING  
 INTERIORS  
 CONSTRUCTION MANAGEMENT

LA VILLETTE  
 BOYS' TOWN COMMERCIAL PARCEL  
 MIAMI-DADE COUNTY, FLORIDA

DATE:	11-05-2008
DESIGNED BY:	AM
CHECKED BY:	HL
PROJ. NO:	BO080406
1.	
2.	
3.	
LEOPOLDO BELLOM, AIA	AA-0001737
ANSEL MILANES, AIA	AA-0015643
A-4	
OF	

31

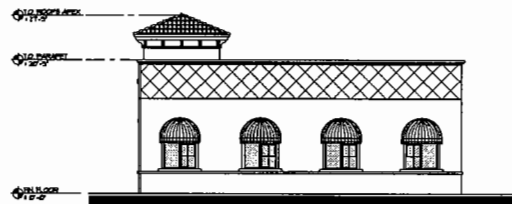
CONTRACTOR: BELLON MILANES ARCHITECTS, P.A. 13200 S.W. 138 STREET, SUITE 100, MIAMI, FLORIDA 33186  
 PROJECT: LA VILLETE BOYS' TOWN COMMERCIAL PARCEL, MIAMI-DADE COUNTY, FLORIDA  
 DRAWING: ARCHITECTURAL ELEVATIONS AND FLOOR PLAN  
 DATE: MAY 08 2007  
 BY: RJL



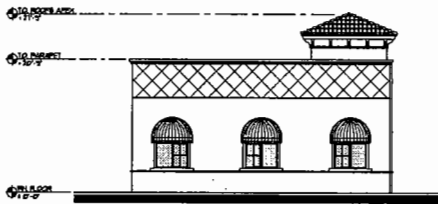
BUILDING 2 (FAST FOOD RESTAURANT) - SOUTH ELEVATION  
 SCALE: 1/8" = 1'-0"



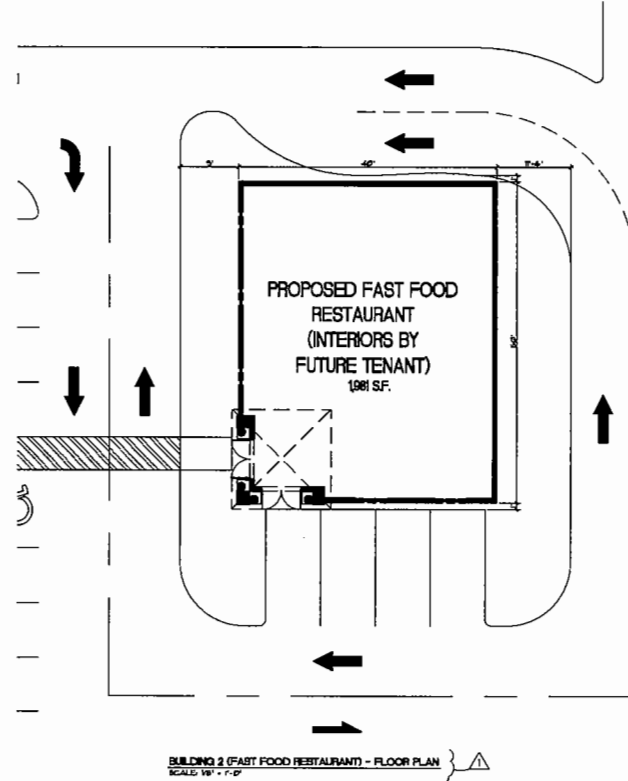
BUILDING 2 (FAST FOOD RESTAURANT) - EAST ELEVATION  
 SCALE: 1/8" = 1'-0"



BUILDING 2 (FAST FOOD RESTAURANT) - NORTH ELEVATION  
 SCALE: 1/8" = 1'-0"



BUILDING 2 (FAST FOOD RESTAURANT) - WEST ELEVATION  
 SCALE: 1/8" = 1'-0"



BUILDING 2 (FAST FOOD RESTAURANT) - FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



13200 S.W. 138 STREET  
 BUILDING "C"  
 MIAMI, FLORIDA 33186  
 T: (305) 278-7776  
 F: (305) 278-1473  
 WWW.BELLONMILANES.COM  
 AA-0003303

ARCHITECTURE  
 LAND PLANNING  
 INTERIORS  
 CONSTRUCTION MANAGEMENT

LA VILLETE  
 BOYS' TOWN COMMERCIAL PARCEL  
 MIAMI-DADE COUNTY, FLORIDA

OUTPARCEL 1 - BANK- & OUT PARCEL 2 - FAST FOOD- GROUND FLOOR PLAN

DATE:	5-20-2008
DRAWN BY:	JR
CHECKED BY:	
PROJ. NO:	BOYS200801
1.	
2.	
GROUP:	0001001

LEOPOLDO BELLON, AIA  
 AA-0003303

ANDRÉS MILANÉS, AIA  
 AA-0013843

A-5  
 OF

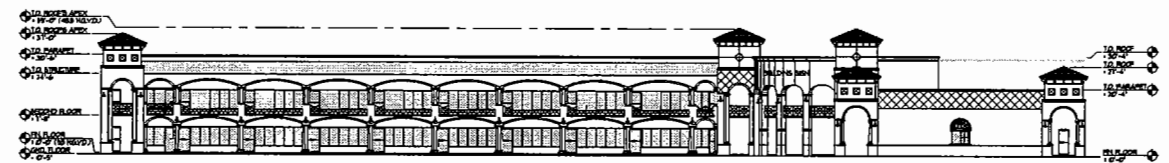
32

CONSTRUCTION OF THIS BUILDING IS SUBJECT TO THE REVIEW AND APPROVAL OF THE MIAMI-DADE COUNTY DEPARTMENT OF PUBLIC WORKS AND PERMITS. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BELLON MILANES. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BELLON MILANES. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BELLON MILANES.

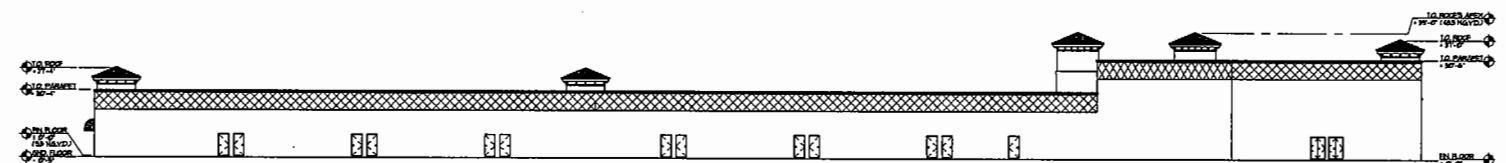
MIAMI-DADE COUNTY  
PROCESS #: Z07-011  
DATE: MAY 08 2007  
BY: BIL



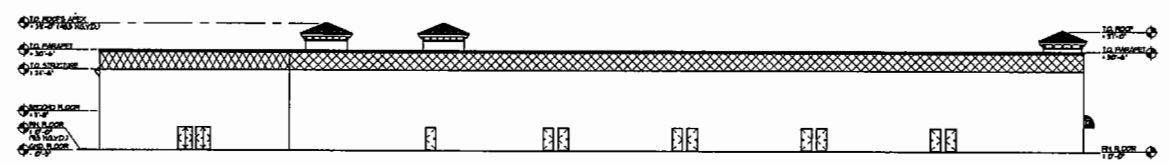
RETAIL BUILDING - SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



RETAIL BUILDING - EAST ELEVATION  
SCALE: 1/8" = 1'-0"



RETAIL BUILDING - NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



RETAIL BUILDING - WEST ELEVATION  
SCALE: 1/8" = 1'-0"

12200 S.W. 128 STREET  
MIAMI, FLORIDA 33186  
T. (305) 278-7778  
F. (305) 278-7433  
WWW.BELLONMILANES.COM  
AA-0001505

ARCHITECTURE  
LAND PLANNING  
INTERIORS  
CONSTRUCTION MANAGEMENT

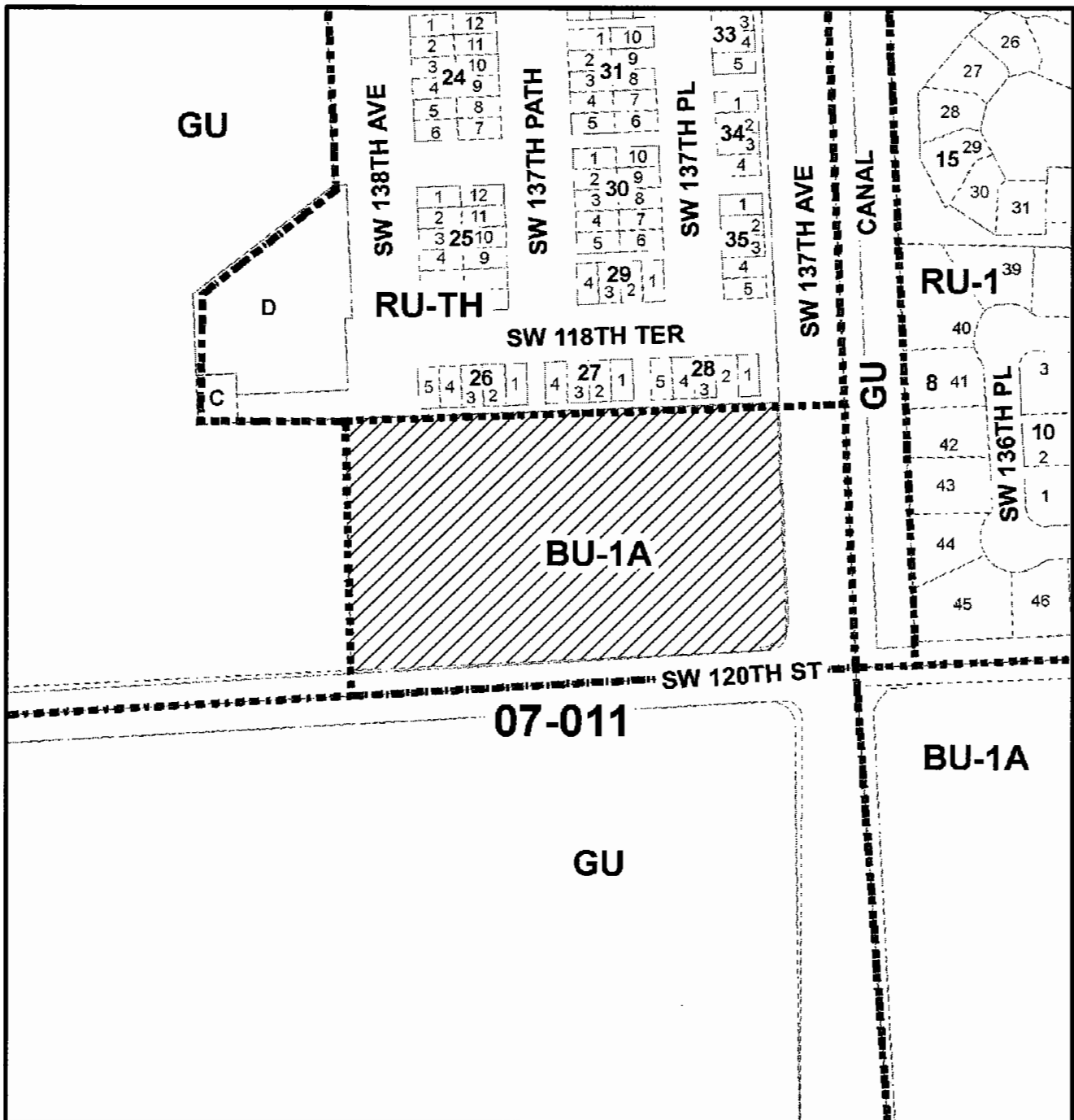
LA VILLETTE  
BOYS' TOWN COMMERCIAL PARCEL  
MIAMI-DADE COUNTY, FLORIDA

DATE: 05-08-2008  
DRAWN: AN, JR  
CHECKED: HA  
PROJ. NO: 0000000001  
1.  
2.  
3.

LEOPOLDO BELLON, AA  
AA-0001505

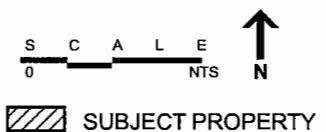
ANSEL MILANES, AA  
AA-0001505

A-3  
OF

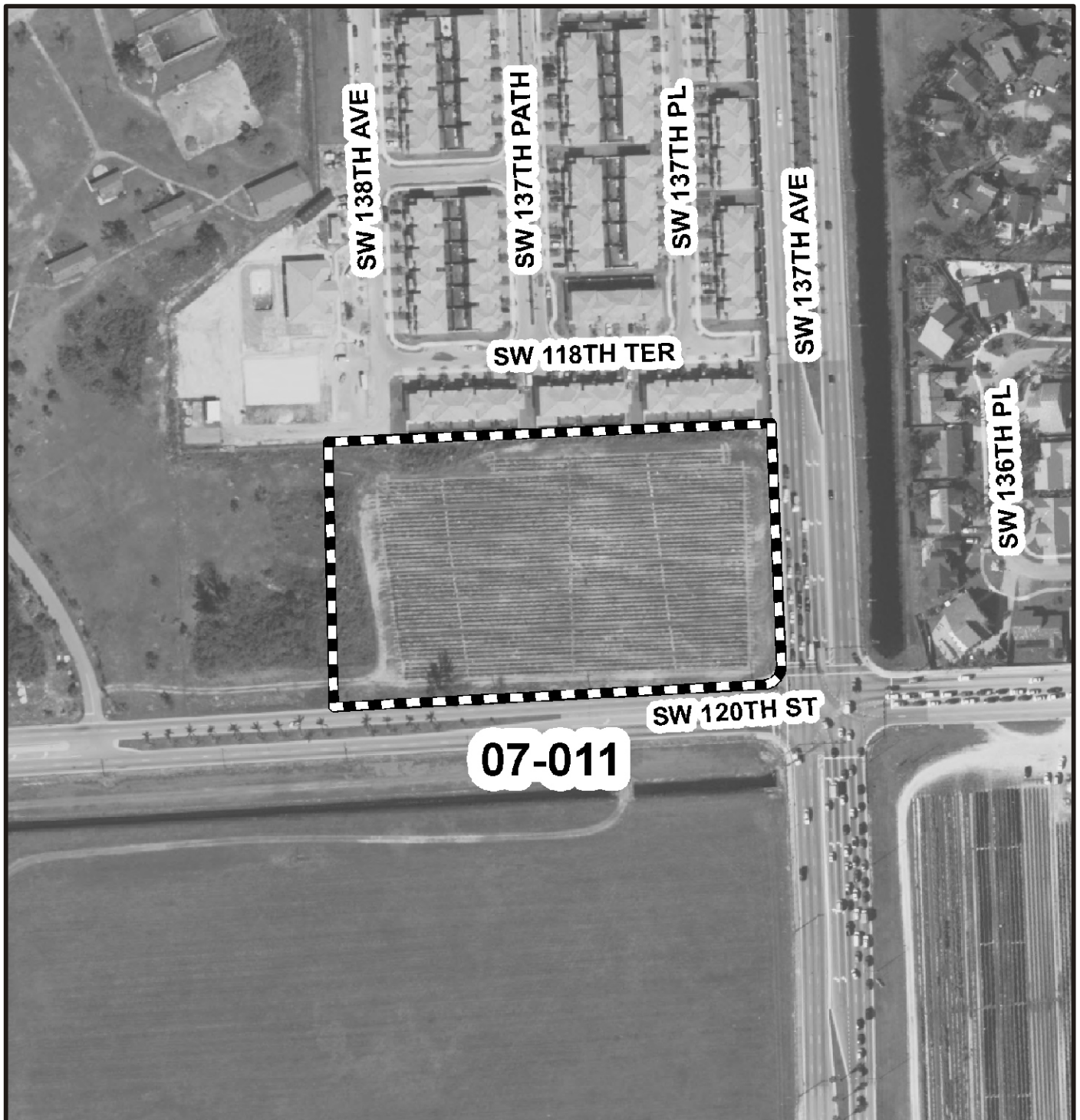


**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 10 Township: 55 Range: 39  
 Process Number: 07-011  
 Applicant: MONACO LINDGREEN COMMERCE PARK  
 Zoning Board: C11  
 District Number: 11  
 Cadastral: JESUS  
 Scale: NTS

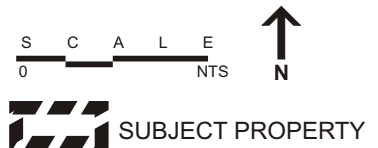


33



MIAMI-DADE COUNTY  
**AERIAL**

Section: 10 Township: 55 Range: 39  
Process Number: 07-011  
Applicant: MONACO LINDGREEN COMMERCE PARK  
Zoning Board: C11  
District Number: 11  
Cadastral: JESUS  
Scale: NTS



MONACO LINDGREEN COMMERCE  
PARK

This instrument was prepared by:

Name: Leila Batties, Esq.

Address: Holland & Knight, LLP  
701 Brickell Avenue, Suite 3000  
Miami, FL 33131

# 07-011

Received by  
Zoning Agenda Coordinator  
JUL 19 2007

(Space reserved for Clerk)

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**DECLARATION OF RESTRICTIONS**

**WHEREAS**, the undersigned owner, **ALESSANDER HOLDINGS, LLC**, a Florida limited liability corporation (the "Owner"), holds the fee simple title to that certain 4.8 acre parcel of land in Miami-Dade County, Florida, located at the northwest corner of SW 120 Street and SW 137 Avenue (the "Property"), which is legally described in Exhibit "A" to this Declaration;

**WHEREAS**, the Owner submitted to Miami-Dade County (the "County") Public Hearing No. 2007-11 (the "Application") seeking a reconsideration of a portion of Resolution No. CZAB11-39-99, which rezoned the Property from GU to BU-1A, only as it applies to the Property;

**WHEREAS**, the Application also requests a modification of Condition No. 21 of Resolution No. 9375, last modified by Resolution No. CZAB11-39-99, pertaining to the plans for the development of the Property;

**WHEREAS**, the Owner desires to develop the Property in accordance with the plan submitted with the Application.

**NOW THEREFORE, IN ORDER TO ASSURE** the County that the representations made during consideration of the Application will be abided by, the Owner freely, voluntarily

and without duress makes the following Declaration of Restrictions (the "Declaration") covering and running with the Property:

1. Site Plan. The Property shall be developed substantially in accordance with the plans previously submitted, entitled "LaVillete Boys' Town Commercial Parcel," prepared by Bellon, Milanes Architects Planners, dated stamped received May 8, 2007, consisting of eight (8) sheets, said plans being on file with the Department of Planning and Zoning, and by reference made a part of this Declaration, as may be amended during the public hearing on the Application (the "Plan").

2. Miscellaneous

County Inspection. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time of entering and inspecting the use of the Property to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

Covenant Running with the Land. This Declaration on the part of the Owner shall constitute a covenant running with the land and shall be recorded, at Owner's expense, in the public records of the County and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. The restrictions contained within this Declaration, while in effect, shall be for the benefit of, and constitute limitations upon, all present and future owners of the Property, and for the benefit of Miami-Dade County and the public welfare.

Term. This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded, after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by the, then, owner(s) of the Property has been recorded agreeing to change this



Declaration in whole, or in part, provided that such change has been approved by the County.

Modification, Amendment, Release. This Declaration may be modified, amended or released as to the Property, or any portion thereof, by a written instrument executed by the, then, owner(s) of all of the property covered by the modification, amendment or release, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners.

Should this Declaration be so modified, amended or released, the Director, or the executive officer of the successor agency to the Department, or in the absence of such director or executive officer, by her/his assistant in charge of the Department or such successor agency in her/his absence, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.

Enforcement. Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants set forth in this Declaration. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his/her/its attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

Authorization for Miami-Dade County to Withhold Permits and Inspections. In the event the terms of this Declaration are not being complied with, in addition to any other remedies available, the County is hereby authorized to withhold, in connection with the Property, any further permits, and refuse to make any inspections or grant any approvals with respect to the Property, until such time as this Declaration is complied with.

Election of Remedies. All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be

deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.

Presumption of Compliance. Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.

Severability. Invalidation of any one of these covenants, by judgment of Court, shall not affect any of the other provisions which shall remain in full force and effect.

Recording. This Declaration shall be filed of record in the public records of Miami-Dade County, Florida, at the cost of the Owner following the approval of the Application. This Declaration shall become effective immediately upon recordation. Notwithstanding the previous sentence, if any appeal is filed, and the disposition of such appeal results in the denial of the application, in its entirety, then this Declaration shall be null and void and of no further effect. Upon the disposition of an appeal that results in the denial of the Application, in its entirety, and upon written request, the Director of the Planning and Zoning Department or the executive officer of the successor of said department, or in the absence of such director or executive officer by her/his assistant in charge of the office in her/his absence, shall forthwith execute a written instrument, in recordable form, acknowledging that this Declaration is null and void and of no further effect.

Acceptance of Declaration. Acceptance of this Declaration does not obligate the County in any manner, nor does it entitle the Owner to a favorable recommendation or approval of any application, zoning or otherwise, and the County retains its full power and authority to, with respect to the Property, deny

each such application in whole or in part and to decline to accept any conveyance with respect to the Property.

Owner. The term "Owner" shall include the Owner, and its heirs, successors and assigns.

[SIGNATURE PAGE(S) FOLLOW]

Signed, sealed and acknowledged on this 13<sup>th</sup> day of July, 2007.

WITNESSES

Catherine Burns  
Signature  
Catherine Burns

Printed Name

[Signature]  
Signature  
[Signature]  
Printed Name

**ALESSANDER HOLDINGS, LLC**  
a Florida limited liability corporation

[Signature]  
Sergio Pino, Sole Member

STATE OF FLORIDA )

)SS

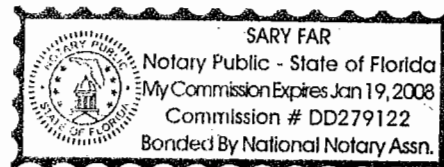
COUNTY OF MIAMI-DADE )

ACKNOWLEDGED BEFORE ME, this 13 day of July, 2007, by Sergio Pino, sole member of Alessander Holdings, LLC, a Florida limited liability corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
NOTARY PUBLIC

Sary Far  
Printed Name

My Commission Expires: 01/19/08





## MEMORANDUM

**TO:** Guillermo E. Olmedillo, Director  
Department of Planning and Zoning

**DATE:** December 28, 2000

Charles Danger, Director  
Building Department

**SUBJECT:** Imposition  
of Administrative Building  
Moratorium

**FROM:** Merrett R. Stierheim  
County Manager

The State Attorney's Office of the Eleventh Judicial Circuit has provided this office with a copy of a 6-count information it has filed against both Manuel O. Vera, Jr., a former Community Council 11 board member, and Javier Siu.

Count 1 of the information explicitly charges Mr. Vera with accepting unlawful compensation or reward for official behavior in his capacity as a member of Miami-Dade Community Council 11, a third degree felony under Section 838.016(1), Florida Statutes. Specifically, the State alleges in this count that Mr. Vera received the use and occupancy of a residence located at 5850 S.W. 97th Avenue, Miami-Dade County, Florida in consideration for votes he cast to re-zone certain parcels of land.

Count II alleges that Mr. Vera obtained the signature of another person to a debt instrument to defraud Bank United, in violation of Section 817.54, Florida Statutes. Count III avers that Mr. Vera, knowing that a criminal trial, proceeding or investigation was either pending or about to be instituted, made a mortgage application through CTX mortgage, in violation of Section 918.13(1)(b), Florida Statutes. Count IV does not apply to Mr. Vera. In Count V, the State claims that both Mr. Vera and Mr. Siu collaborated to violate Sections 838.016(1) and 777.011, Florida Statutes. Finally, in Count VI, the State claims that Mr. Vera and Mr. Siu conspired in official misconduct designed to disguise the nature of a transaction, "said transaction(s) totaling or exceeding \$100,000 in the 12-month period ending on ... October 20, 2000."

The affidavit in support of the arrest warrant underlying this information identifies two (2) cases that form part of the factual framework of the information, to wit: Mr. Vera's votes in two rezoning matters involving parcels of land then owned by Archbishop John C. Favalora (public hearing file #99-10-CZ11-1; Resolution CZAB 11-39-99) and Cosmos, Inc. (public hearing file #99-10-CZ-11-2; Resolution CZAB 11-40-99).

Guillermo E. Olmedillo  
Charles Danger  
Page 2

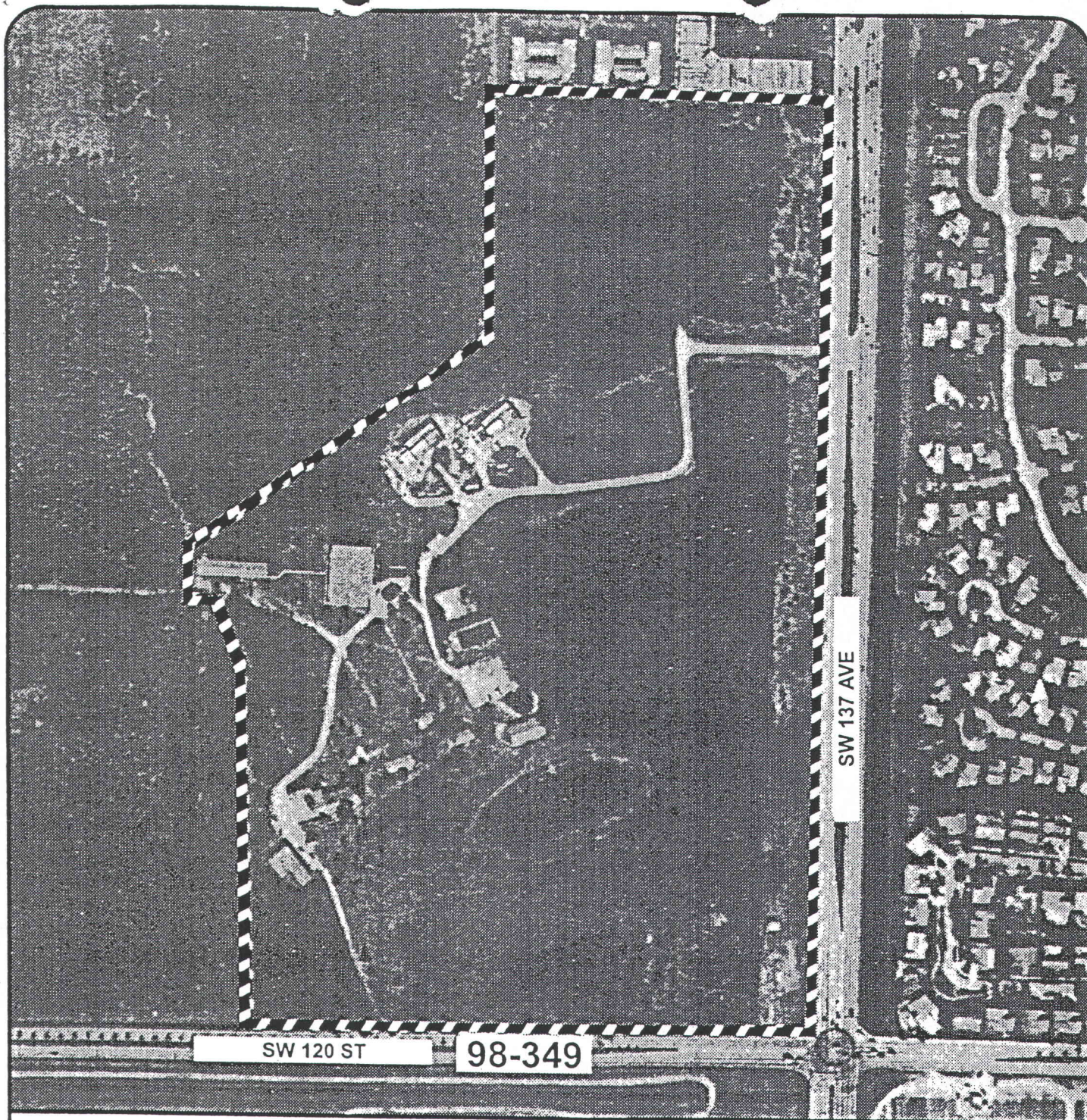
Pursuant to the provisions contained within Section 33-319(k)(1), Miami-Dade County Code, this memorandum serves as an administrative order prohibiting the issuance of building permits for said properties.

Further, this order of moratorium shall remain in effect in accordance with provisions of Section 33-319(k) of the County Code.

Cc: Honorable Alex Penelas, Mayor  
Miami-Dade County  
Honorable Chairperson and Members  
Board of County Commissioners

Attachments: (2)





MIAMI-DADE COUNTY  
AERIAL

Section: 10 Township: 55 Range: 39  
Process Number: 98000349  
Applicant: REV. JOHN C. FAVALORA  
District Number: 11  
Zoning Board: C11  
Drafter ID: Eric  
Scale: 1:600

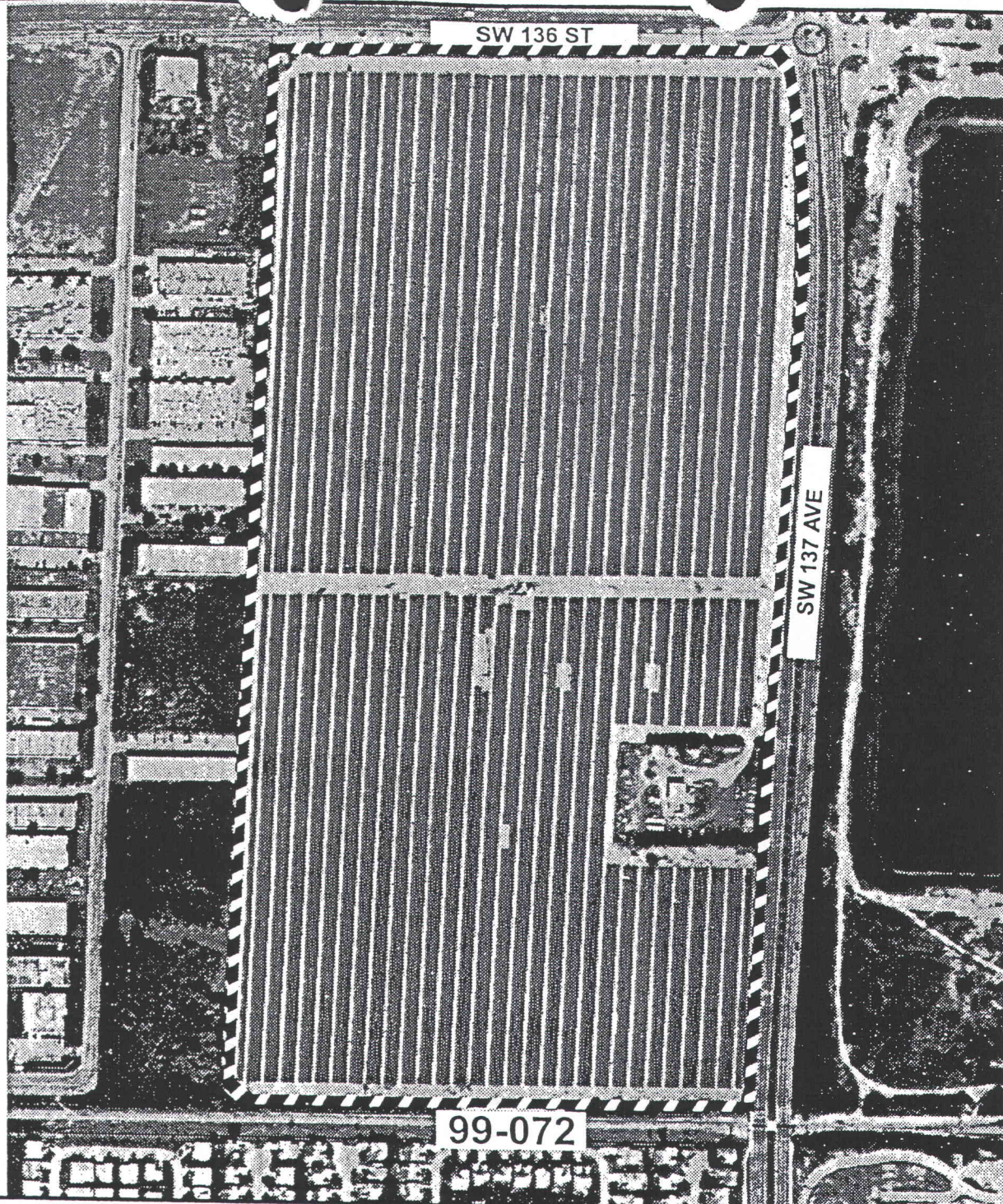
S C A L E  
0 600' N



SUBJECT PROPERTY







MIAMI-DADE COUNTY  
AERIAL

Section: 22 Township: 55 Range: 39  
Process Number: 99000072  
Applicant: COSMOS, INC.  
District Number: 11  
Zoning Board: C11  
Drafter ID: Eric  
Scale: 1:600

S C A L E  
0 600'



SUBJECT PROPERTY





**RESOLUTION NO. CZAB11-39-99**

**WHEREAS, ARCHBISHOP JOHN C. FAVALORA** applied for the following:

- (1) GU to BU-1A
- (2) SPECIAL EXCEPTION to permit site plan approval for a proposed commercial development.
- (3) NON-USE VARIANCE OF ZONING REGULATIONS requiring a 5' high decorative masonry wall where a business lot abuts RU zoned property; to vary same to omit portions of the required wall along the north property line where it abuts RU zoned property.

**REQUESTS #1 THROUGH #3 ON EXHIBIT "A"**

- (4) GU to RU-3M
- (5) SPECIAL EXCEPTION to permit site plan approval for a proposed residential development.
- (6) UNUSUAL USE to permit the filling of a lake.
- (7) UNUSUAL USE to permit an entrance feature.

**REQUESTS #4 THROUGH #7 ON EXHIBIT "B".**

- (8) MODIFICATION of Condition #2 of Resolution #9375, passed and adopted by the Board of County Commissioners on the 16th day of February, 1956, last modified by Resolution 4-ZAB-475-74, passed and adopted by the Zoning Appeals Board on the 3rd day of October, 1974, only as it applies to the subject property, reading as follows:

FROM: "2. That the use be basically in accordance with the plan submitted for the hearing entitled 'Boystown-Utility Building,' as prepared by Jose P. Beniton and dated received by Building & Zoning on July 22, 1974."

TO: "2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled 'Archdiocese of Miami: Boystown,' as prepared by Villa & Brown, dated 12-2-98, and consisting of 11 sheets."

The purpose of the request is to modify the previously approved plan to substitute a plan that reflects a smaller parcel for the previously approved Boystown facility resulting from a proposed commercial and residential development to the east.

## REQUEST #8 ON EXHIBIT "C"

The aforementioned plans, along with plans entitled 'La Villette Townvillas,' as prepared by BGA Design Group, dated 7-15-99, consisting of 15 sheets, for a total of 26 sheets, are on file and may be examined in the Zoning Department. Plans may be modified at public hearing.

SUBJECT PROPERTY: EXHIBIT "A": A portion of the SE ¼ of Section 10, Township 55 South, Range 39 East, being more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence run S86°34'39"W along the south line of said Section 10 for a distance of 687.96' to a point thence run N2°24'00" west for a distance of 35' to the Point of beginning of a parcel of land hereinafter to be described; thence continue N2°24'0"W for 357.28' to a point; thence run N87°36'0"E for a distance of 597.86' to a point on a line that lies 90' west of and parallel with the east line of the SE ¼ of said Section 10; thence run S2°24'0"E parallel with the east line of the SE ¼ of said Section 10 for a distance of 322.05' to a Point of curvature of a circular curve, concave to the Northwest and having for its elements a radius of 25' and a central angle of 88°58'39"; thence run SW/ly for an arc distance of 38.82' to a Point of tangency with a line that lies 35' north of and parallel with the south line of said Section 10; thence run S86°34'39"W for a distance of 573.4' to the Point of beginning.

AND: EXHIBIT "B": A portion of the SE ¼ of Section 10, Township 55 South, Range 39 East, being more particularly described as follows:

Commence at the Southeast corner of said Section 10; thence run S86°34'39"W along the south line of said Section 10 for a distance of 687.96' to a point; thence run N2°24'0"W for a distance of 392.28' to the Point of beginning of a parcel of land hereinafter to be described; thence run S87°36'0"W for a distance of 200' to a point; thence run N2°24'0"W for a distance of 187.16'; thence run N51°3'28"E for a distance of 248.94' to a point; thence run N2°24'0"W for a distance of 838.79' to a point; thence S87°36'0"W for a distance of 151.97' to a point; thence N2°23'37"W for a distance of 624.83' to a point on the south line of Tract "A", WILLOW WALK, Plat book 131, Page 7; thence run N87°6'24"E along the south line of said Tract "A" and Tract "B" of CALUSA CROSSING, Plat book 129, Page 85, for a distance of 749.79' to the Southeast corner of said Tract "B" of CALUSA CROSSING; thence run S2°24'0"E along a line that lies 90' west of and parallel with the east line of the SE ¼ of said Section 10 for a distance of 1,805.45' to a point; thence run S87°36'0"W for a distance of 597.86' to the Point of beginning.

AND: EXHIBIT "C": A portion of the SE ¼ of Section 10, Township 55 South, Range 39 East, being more particularly described as follows:

Commence at the Southeast corner of said Section 10; Thence S86°34'39"W, along the south line of said Section 10 for a distance of 687.97'; thence N2°24'0"W for a distance of 35.01' to the Point of beginning of the parcel of land hereinafter to be described; thence S86°34'39"W along a line 35' north of and parallel with the south line of said Section 10, for 664.34'; thence N3°24'36"W for 812.73'; thence N27°46'17"W for 202.99; thence S89°18'48"W for 78.39'; thence N0°38'6"W for 117.11'; thence N55°44'22"E for 517.17'; thence N4°25'38"W, for 20.38'; thence N85°34'22"E for 10'; thence S4°25'38"E for 14.54'; thence N55°44'22"E for 281.72'; thence N87°36'0"E for 151.97'; thence S2°24'0"E for 838.79'; thence S51°3'28"W for 248.84'; thence S2°24'0"E for 187.16'; thence N87°36'0"E for 200'; thence S2°24'0"E for 357.28' to the Point of beginning.

LOCATION: The Northwest corner of S.W. 137 Avenue & S.W. 120 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 11 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided that no development shall take place on the Pineland Preserve shown in the N.W. corner of the Site Plan; said area to be limited for environmental protection. Maintenance of the Pineland Preserve shall be provided by a Miami-Dade County approved homeowners association and/or special taxing district. Such maintenance shall provide for DERM access to and around the Pineland Preserve for periodic maintenance of same. The Owners shall contribute funds to the Miami-Dade County School Board equal to \$177,000.00, based on the proposed density of 320 residential units.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary changes to BU-1A (Item #1) and RU-3M (Item # 4) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested special exceptions (Items # 2 & 5), non-use variance of zoning regulations (Item # 3), unusual uses (Items # 6 & 7) and modification (Item # 8) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exceptions (Items # 2 & 5) and the unusual uses (Items # 6 & 7) would not have an adverse impact upon the public interest, and should be approved, and that the proffered Declaration of

Restrictions should be accepted, and

*WHEREAS*, a motion to accept the proffered covenant and approve the application was offered by Manuel G. Vera, seconded by Hector M. Varela, and upon a poll of the members present the vote was as follows:

Gwen E. Calloway	aye	Jackie Nunes	aye
Will Garcia	aye	Hector M. Varela	aye
Rey Martinez	absent	Manuel G. Vera	aye

Roberto Curbelo, Jr.                      nay

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 11, that the requested district boundary changes to BU-1A (Item # 1) and RU-3M (Item # 4) be and the same are hereby approved and said property is hereby zoned accordingly.

*BE IT FURTHER RESOLVED* that the special exceptions (Item # 2 & 5), non-use variance of zoning regulations (Item # 3), unusual uses (Items # 6 & 7), modification (Item # 8) be and the same are hereby approved, subject to the following conditions:

**Conditions 1-4 apply to Exhibit A:**

1. That the applicant obtain a Certificate of Use and Occupancy from the Department, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
2. That a cross access agreement in recordable form be submitted to and meet with the approval of the Director; said agreement shall be required prior to the issuance of a building permit for any structures within the commercial site.
3. That the proposed trees along the north property line be planted at 25 ft. on center.
4. That pedestrian connections in the form of sidewalks and paths be installed throughout the commercial parcel to facilitate pedestrian access from parking lot to building.

**Conditions 5-18 apply to Exhibit B:**

5. That a homeowner's association (or special taxing district) be established in accordance with the applicable regulations to assure that all common areas and facilities for use of all residents shall be maintained in a continuous and satisfactory manner, and without expense to the general taxpayer of Miami-Dade County. The instrument incorporating such provisions shall be approved by the County Attorney as to form and legal sufficiency before submission to the Board of County Commissioners and after approval shall be recorded in the public records of Miami-Dade County at the time of the recording of the subdivision plat.
6. That in order to insure compliance with all terms and conditions imposed, a cash or surety bond or substantially equivalent instrument meeting with the approval of the Director shall be posted with the Department, payable to Miami-Dade County, in an amount as may be determined and established by the Director; said instrument shall be in such form that the same may be recorded in the public records of Miami-Dade County and said instrument shall be executed by the property owner and any and all parties who may have an interest in the land, such as mortgagee, etc.
7. That no fill be permitted within the adjacent rights-of-way,
8. That the applicant obtain a Certificate of Use and Occupancy from the Department for the lake filling operation and the proposed recreational facility, upon compliance with all terms and conditions, the same subject to cancellations upon violation of any of the conditions.
9. That the applicant record the resolution of approval for the use in the public records of Miami-Dade County prior to the issuance of a Certificate of Use and Occupancy.
10. That upon completion of the project, the property shall be restored and left in an acceptable condition meeting with the approval of the Director and the Director of Environmental Resources Management.
11. That the hours of the lake fill operation shall be controlled by the Director, except that the applicant shall be permitted to operate between the hours of 7:00 A.M. and 6:00 P.M. on weekdays only. Saturdays/Sunday operation and/or other hours of operation than 7:00 A.M. to 6:00 P.M., may be permitted by the Director only if the same does not become a nuisance to the surrounding area.
12. That the lake fill operation shall be carried on continuously and expeditiously so that the entire project will be completed within six months of the issuance of the lake fill permit.
13. That the grading, leveling, sloping of the banks and perimeter restoration shall be on a progressive basis as the project develops and lake fill operation progresses. In accordance with this requirement, the applicant shall submit "as built" surveys prepared and sealed by a Florida licensed surveyor and/or professional engineer at one-fourth, one-half, three-fourths, and final completion of lake fill operation or at six months intervals, whichever is of a lesser duration, or upon request of either the Director of the



Director of the Environmental Resources Management when it appears that the lake fill is proceeding contrary to approved plans.

14. That the property shall be staked to meet with the approval of the Director and the Director of Environmental Resources Management; said stakes shall be maintained in proper position so that the limits of the lake fill, slopes and grade levels may be easily determined.
15. That the property shall be suitably posted to meet with the approval of the Director and the Director of Environmental Resources Management; said posting shall denote the lake fill operation and warn the public concerning possible hazards, prior to commencement of the lake fill operation.
16. That if the opinion of the Director the lake is hazardous to the surrounding area, the hazardous area shall be fenced in, or otherwise protected, by the applicant as directed by the Director.
17. If the lake fill operation is discontinued, abandoned, falls behind schedule or time expires, the existing excavation shall immediately be sloped to conform with the previously approved lake plans and the entire lake fill operation shall be removed from the premises.
18. That lighting of the tennis court shall be prohibited.

**Conditions 19 applies to Exhibit C:**

19. That all the conditions of Resolution 9375, 10582, 2-ZAB-296-62, and 4-ZAB-475-74 remain in full force and effect, except as herein modified.

**Conditions 20-26 apply to Exhibits A and B:**

20. That a site plan be submitted to and meet with the approval of the Director upon the submittal of an application for a building permit and/or Certificate of Use and Occupancy; said plan to include among other things but not be limited thereto, location of structure or structures, types, sizes and location of signs, light standards, off-street parking areas, exits and entrances, drainage, walls, fences, landscaping, etc.
21. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled "La Villette Townvillas," as prepared by BGA Design Group, dated 7/15/99, consisting of 15 sheets.
22. That the use be established and maintained in accordance with the approved plan.
23. That the applicant submit to the Department for its review and approval a landscaping plan which indicates the type and size of plant material prior to the issuance of a building permit and to be installed prior to the issuance of a Certificate of Use and Occupancy.

24. That the applicant comply with all the conditions and requirements of the Public Works Department as contained in their Memorandum pertaining to this application.
25. That the applicant comply with all the conditions and requirements of the Department of Environmental Resources Management (DERM) as contained in their Memorandum pertaining to this application.
26. That a landscape buffer consisting of street trees spaced 25' on center and a hedge measuring 3' high at time of planting be installed along the SW 137 Avenue and SW 120 Street frontages.
27. That the property be developed in accordance with Ordinance No. 99-118.

*BE IT FURTHER RESOLVED* that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

*PASSED AND ADOPTED* this 5th day of October, 1999.

Hearing No. 99-10-CZ11-2  
aj

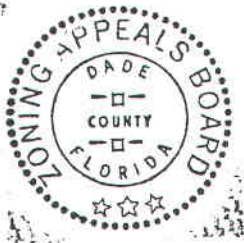
**STATE OF FLORIDA**


**COUNTY OF MIAMI-DADE**

I, Marcy Gordon, as Deputy Clerk and Legal Counsel for the Miami-Dade County Department of Planning and Zoning as designated by Guillermo E. Olmedillo, Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board , DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB11-39-99 adopted by said Community Zoning Appeals Board at its meeting held on the 5th day of October, 1999.

IN WITNESS WHEREOF, I have hereunto set my hand on this 13th day of October, 1999.

**SEAL**



  
\_\_\_\_\_  
Marcy Gordon, Deputy Clerk and Legal Counsel  
Miami-Dade County Department of Planning and Zoning



OFF. 19663PC1948  
REC.



01R246449 2001 MAY 15 11:27

This instrument was prepared by:

Name: Paulina A. Cervantes, Esq.

Address: Papy, Weissenborn, Poole & Vraspir, P.A.  
3001 Ponce de Leon Blvd., Suite 214  
Coral Gables, Florida 33134

(Space reserved for Clerk)

10-55-39

ENTRANCE FEATURE  
MAINTENANCE AGREEMENT

WHEREAS, the undersigned being the owner of or having some right, title or interest in or a lien upon the following described property, lying, being and situated in Miami-Dade County, Florida to wit (attach separate sheet if additional space is needed):

See attached Exhibit "A"

In order to assure the Miami-Dade County Department of Planning and Zoning that the representations made to it by the owner or their representative will be abided by; that the hereinafter mentioned entrance feature will be continually and properly maintained; and as an inducement for, and in consideration of, the issuance of the required permits to erect and construct said entrance feature, and other good and valuable considerations hereby agrees as follows:

1. That said entrance feature shall be erected and maintained substantially in compliance with plans entitled Pedro Pan Subdivision Entrance Feature Site Plan prepared by Pascual, Perez & Associates, Inc. dated 30th day of June, 10 2000,
2. That all structures shall be maintained in good condition and repair and that all landscaping shall likewise be so maintained.

As further part of this agreement, it is hereby understood and agreed that any official inspector of the Miami-Dade County Department of Planning and Zoning or its agents duly authorized, may have the privilege at any time of entering and investigating the use of the premises, to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with:

Entrance Feature  
Maintenance Agreement

Verified PC

Page Two

This Agreement on the part of the owners shall constitute a covenant running with the land and will be recorded in the public records of Miami-Dade County, Florida, and shall remain in full force and effect and be binding upon the undersigned and the heirs, successors, and assigns of the undersigned, until such time as the same is modified or released in writing by the Director of the Miami-Dade County Department of Planning and Zoning, or the executive officer of the successor of such department, or, in the absence of such director or executive officer, by his assistant in charge in his absence.

**Enforcement.** Enforcement shall be by action against any parties or person violating or attempting to violate any covenants. The prevailing party in any action or suit pertaining to or arising out of this Declaration shall be entitled to recover, in addition to costs and disbursements, allowed by law, such sum as the Court may adjudge to be reasonable for the services of his attorney. This enforcement provision shall be in addition to any other remedies available at law, in equity or both.

**Severability.** Invalidation of any one of these covenants by judgment of Court in no wise shall affect any of the other provisions, which shall remain in full force and effect.

OFF. REC. 19663PG 1950

ACKNOWLEDGMENT  
CORPORATION

Signed, witnessed, executed and acknowledged on this 26 day of JULY, 2000.

IN WITNESS WHEREOF, Lautaro Development L.L.C. (Corporate name) has caused these presents to be signed in its name by its proper officials.

Witnesses:

[Signature]  
Signature

Eric Myers  
Print Name

[Signature]  
Signature

Melissa Revoredo  
Print Name

LAUTARO Development L.L.C.  
Name of Corporation

Address:  
4850 SW 72 AVE

MIAMI, FL 33155

By [Signature]  
(President, Vice-President or CEO\*)

[\*Note: All others require attachment  
of original corporate resolution of  
authorization]

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by PATRICIO CERVANTES the  
(Name)  
MANAGING PARTNER of LAUTARO DEV. L.L.C. corporation, on behalf of  
(Title) (Name)  
the corporation. He/She is personally known to me or has produced \_\_\_\_\_, as  
identification.

Witness my signature and official seal this 26 day of JULY, 2000,  
~~2001~~, in the County and State aforesaid.

[Signature]  
Notary Public-State of FLORIDA  
WILLIAM M. LAPSLEY  
Print Name

My Commission Expires:



William M. Lapsley  
Commission # CC 785831  
Expires DEC. 12, 2002  
BONDED THRU  
ATLANTIC BONDING CO., INC.

[c:\forms\accorp.sam (8/97)]

OFF. REC. 19663P 1951

EXHIBIT "A"

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE RUN SOUTH 86 DEGREES 34 MINUTES 39 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 10 FOR A DISTANCE OF 687.96 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 392.28 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUN SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 187.16 FEET; THENCE RUN NORTH 51 DEGREES 03 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 248.94 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 838.79 FEET TO A POINT; THENCE SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 151.97 FEET TO A POINT; THENCE NORTH 02 DEGREES 23 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 624.83 FEET TO A POINT ON THE SOUTH LINE OF TRACT "A", WILLOW WALK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN NORTH 87 DEGREES 06 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF SAID TRACT "A" AND TRACT "B" OF CALUSA CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, AT PAGE 85, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR A DISTANCE OF 749.79 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B" OF CALUSA CROSSING; THENCE RUN SOUTH 02 DEGREES 24 MINUTES 00 SECONDS EAST ALONG A LINE THAT LIES 90.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10 FOR A DISTANCE OF 1805.45 FEET TO A POINT; THENCE RUN SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 597.86 FEET TO THE POINT OF BEGINNING; CONTAINING 28.126 ACRES MORE OR LESS. SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.

## JOINDER OF MORTGAGEE

The undersigned Commercebank, NA, a Florida Corporation and Mortgagee under that certain mortgage from Lautaro Development, LLC a Florida Limited Corporation, on March 9<sup>th</sup>, 2000, filed of record in Official Records Book 19024, Page 4305 of the Public Records of Dade County, Florida, in the original amount of \$4,647,500.00, later modified as per the Future Advance and Mortgage Modification Agreement on, August 7<sup>th</sup>, 2000, filed of record in Official Records Book 19230, Page 228 of the Public Records of Dade County, Florida, covering all or a portion of the property described in the foregoing agreement, does hereby acknowledge that the terms of this agreement are and shall be binding upon the undersigned and its successors in title, provided that and subject to the undersigned having an interest on the subject property.

In WITNESS WHEREOF, these presents have been executed this 22 day of February, 2001.

Witnesses:

Signature \_\_\_\_\_

Print Name: Jaime A. Ramon

Signature

Print Name: Miriam Maru

STATE OF FLORIDA) ) SS  
COUNTY OF DADE )

Commercebank, NA

By:

Print Name: Sonia Olarte

Title: Senior Vice President

The foregoing instrument was acknowledged before me this 22 day of February, 2001, by SONIA CLARTE as SR. VICE PRESIDENT of Commercebank, NA, Who is personally known to be or who has produced Florida Driver's License, as identification, as \_\_\_\_\_.

My Commission Expires:

Print Name: DULCE SOCORRO  
Notary Public





OFF. 19663PC1953  
REC.

OPINION OF TITLE

To: Miami-Dade County

With the understanding that this Opinion of Title is furnished to Miami-Dade County, as inducement for acceptance of a Declaration of Use/Unity of Title/Declaration of Restrictions/Development Agreement or in compliance with Chapter 28, and as an inducement for acceptance of a proposed final subdivision plat covering, covering the real property, hereinafter described, it is hereby certified that I have examined a complete Abstract of Title covering the period from the beginning to the 12th day of April, 2001, at the hour of 11:00 P.M., inclusive, of the following described property:

see attached Exhibit "A"

I am of the opinion that on the last mentioned date, the fee simple title to the above-described real property was vested in:

LAUTARO DEVELOPMENT L.L.C., A FLORIDA LIMITED LIABILITY COMPANY

**Note: For Limited Partnership, Limited Liability Company or Joint Venture indicate parties comprising the Limited Partnership, Limited Liability Company or Joint Venture and identify who is authorized to execute.**

Subject to the following encumbrances, liens and other exceptions (If "none" please indicate):

1. RECORDED MORTGAGES:

Mortgage from Lautaro Development L.L.C., a Florida Limited Liability Company to Commercebank, N.A., dated March 9, 2000, and recorded on March 14, 2000 at 12:50 P.M., in Official Records Book 19024, Page 4305, of the Public Records of Miami-Dade County, Florida, securing the original principal sum of \$4,647,500.00. UCC-1 Financing Statement recorded in Official Records Book 19024, Page 4324, of said Public Records.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS:

NONE

3. GENERAL EXCEPTIONS:

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.
2. Rights of persons other than the above owners who are in possession.
3. Facts that would be disclosed upon accurate survey.
4. Any unrecorded labor, mechanic's or materialmen's liens. \*\*

4. SPECIAL EXCEPTIONS:

see attached Exhibit "B"

OFF. REC. 19663PG1954

I HEREBY CERTIFY that I have reviewed all the aforementioned encumbrances and exceptions.

Therefore, it is my opinion that the following party(ies) must join in the agreement in order to make the agreement a valid and binding covenant on the lands described herein.

<u>Name</u>	<u>Interest</u>	<u>Special Exception Number</u>
Commercebank, N.A.	mortgagee	7

The following is a description of the aforementioned abstract and its continuations:

<u>Number</u>	<u>Company Certifying</u>	<u>No. of Entries</u>	<u>Period Covered</u>
5332-77787	Fidelity National Title Insurance Company		beginning to 3/14/00
	Attorneys' Title Insurance Fund		3/14/00 to 4/12/01

I HEREBY CERTIFY that the legal description contained in this Opinion of Title coincides with, and is the same as, the legal description in the proffered, recordable agreement.

I, the undersigned, further certify that I am an attorney-at-law duly admitted to practice in the State of Florida and a member in good standing of the Florida Bar.

Respectfully submitted this 26th day of April, 2001

  
Name

Paulina A. Cervantes

Print Name

Florida Bar No. 0957488

Address:

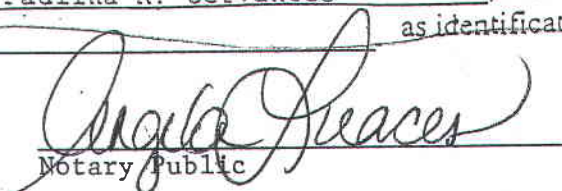
708 South Dixie Highway

Coral Gables, Florida 33146

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 26th day of April, 2001, by Paulina A. Cervantes, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
Notary Public

Angela Luaces

Print Name

My Commission Expires



OFF. REC. 19663PG 1955

EXHIBIT "A"

A PORTION OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 55 SOUTH, RANGE 39 EAST, MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE RUN SOUTH 86 DEGREES 34 MINUTES 39 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 10 FOR A DISTANCE OF 687.96 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 392.28 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREINAFTER DESCRIBED; THENCE RUN SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 200.00 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 187.16 FEET; THENCE RUN NORTH 51 DEGREES 03 MINUTES 28 SECONDS EAST FOR A DISTANCE OF 248.94 FEET TO A POINT; THENCE RUN NORTH 02 DEGREES 24 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 838.79 FEET TO A POINT; THENCE SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 151.97 FEET TO A POINT; THENCE NORTH 02 DEGREES 23 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 624.83 FEET TO A POINT ON THE SOUTH LINE OF TRACT "A", WILLOW WALK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 131, AT PAGE 7, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; THENCE RUN NORTH 87 DEGREES 06 MINUTES 24 SECONDS EAST ALONG THE SOUTH LINE OF SAID TRACT "A" AND TRACT "B" OF CALUSA CROSSING, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 129, AT PAGE 85, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, FOR A DISTANCE OF 749.79 FEET TO THE SOUTHEAST CORNER OF SAID TRACT "B" OF CALUSA CROSSING; THENCE RUN SOUTH 02 DEGREES 24 MINUTES 00 SECONDS EAST ALONG A LINE THAT LIES 90.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 10 FOR A DISTANCE OF 1805.45 FEET TO A POINT; THENCE RUN SOUTH 87 DEGREES 36 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 597.86 FEET TO THE POINT OF BEGINNING; CONTAINING 28.126 ACRES MORE OR LESS. SAID DESCRIBED PARCEL OF LAND LYING AND BEING SITUATED IN MIAMI-DADE COUNTY, FLORIDA.



Exhibic "B"

1. Covenant recorded May 20, 1988 in Official Records Book 13685, Page 2954, as modified by Partial Release of Covenant recorded May 24, 1996 in Official Records Book 17214, Page 1671, both of the Public Records of Miami-Dade County, Florida.
2. Agreement for Water and Sewage recorded May 20, 1988 in Official Records Book 13685, Page 2957, as modified by Release of Agreement recorded May 24, 1996 in Official Records Book 17214, Page 1675, both of the Public Records of Miami-Dade County, Florida.
3. Agreement for Water Facilities recorded March 23, 1999 in Official Records Book 18530, Page 4936, of the Public Records of Miami-Dade County, Florida.
4. Covenants, conditions and restrictions as set forth in the document recorded November 1, 1999 in Official Records Book 18842, Page 4294, of the Public Records of Miami-Dade County, Florida.
5. Declaration of Restrictive Covenants in Lieu of Unity of Title recorded in Official Records Book 19024, Page 4284, of the Public Records of Miami-Dade County, Florida.
6. Easement and Operating Agreement recorded in Official Records Book 19024, Page 4293, of the Public Records of Miami-Dade County, Florida.
7. Mortgage from Lautaro Development L.L.C., a Florida Limited Liability Company to Commercebank, N.A., dated March 9, 2000, and recorded on March 14, 2000 at 12:50 P.M., in Official Records Book 19024, Page 4305, of the Public Records of Miami-Dade County, Florida, securing the original principal sum of \$4,647,500.00. UCC-1 Financing Statement recorded March 14, 2000 in Official Records Book 19024, Page 4324, of said Public Records.
8. Agreement between Lautaro Development L.L.C. and Miami-Dade County recorded in Official Records Book 19256, Page 1938, of the Public Records of Miami-Dade County, Florida.

RECORDED IN OFFICIAL RECORDS BOOK  
OF DADE COUNTY, FLORIDA  
RECORD VERIFIED  
HARVEY RUVIN  
CLERK CIRCUIT COURT



BPRMB



**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2005 and 2006**



Miami-Dade Police Department

Grid(s): 0685, 0780, 0789, 1076, 1491, 1533, 1663, 1830, 1919, 2142, 2199, 2293, 3780

**2005      2006**

<b>Grid 1919</b>					
<b>Part I</b>					
	130A	AGGRAVATED ASSAULT		7	5
	2200	BURGLARY		7	7
	2400	MOTOR VEHICLE THEFT		1	3
	110A	RAPE		0	1
	1200	ROBBERY		0	1
	230C	SHOPLIFTING		0	2
	230G	SHOPLIFTING ALL OTHERS		7	14
	230F	SHOPLIFTING FROM A MOTOR VEHICLE		0	6
<b>Part I TOTAL</b>				<b>22</b>	<b>39</b>
<b>Part II</b>					
	260A	FRAUD CON/SWINDLE/FALSE PRET.		0	1
	260D	IMPERSONATION		1	0
	350A	NARCOTIC BUY/SELL/POSS/IMPORT/MANUF		4	7
	130B	SIMPLE ASSAULT		1	2
<b>Part II TOTAL</b>				<b>6</b>	<b>10</b>
<b>Grid 1919 TOTAL</b>				<b>28</b>	<b>49</b>



# Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2005 and 2006



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0685", "0780", "0789", "1076", "1491", "1533", "1663", "1830", "1919", "2142", "2199", "2293", "3780" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2005		2006
Grid	Signal Code	Signal Description		
1919	13	SPECIAL INFORMATION/ASSIGNMENT		
		7		9
	14	CONDUCT INVESTIGATION		
		27		57
	15	MEET AN OFFICER		
		55		3
	16	D.U.I.		
		1		0
	17	TRAFFIC ACCIDENT		
		47		20
	18	HIT AND RUN		
		7		6
	19	TRAFFIC STOP		
		34		17
	20	TRAFFIC DETAIL		
		2		7
	21	LOST OR STOLEN TAG		
		0		2
	22	AUTO THEFT		
		1		7
	25	BURGLAR ALARM RINGING		
		33		65
	26	BURGLARY		
		11		20
	27	LARCENY		
		6		14
	28	VANDALISM		
		4		4
	29	ROBBERY		
		0		1
	32	ASSAULT		
		7		12
	34	DISTURBANCE		
		24		51
	36	MISSING PERSON		
		13		2
	37	SUSPICIOUS VEHICLE		
		1		8
	38	SUSPICIOUS PERSON		
		6		3
	39	PRISONER		
		3		3
	41	SICK OR INJURED PERSON		
		5		10
	43	BAKER ACT		
		0		1
	44	ATTEMPTED SUICIDE		
		0		1
	49	FIRE		
		0		4
	52	NARCOTICS INVESTIGATION		
		3		6



# Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2005 and 2006



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0685", "0780", "0789", "1076", "1491", "1533", "1663", "1830", "1919", "2142", "2199", "2293", "3780" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( ALL in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2005		2006
Grid	Signal Code	Signal Description		
1919	54	FRAUD		
Total Signals for Grid 1919 :		298		339

# Memorandum



**Date:** October 12, 2006

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit

**Subject:** FY-07 Blanket Concurrency Approval for Transit

A handwritten signature in black ink, appearing to read "Roosevelt Bradley", with a stylized flourish at the end.

This memorandum serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66. Administrative Order 4-85 and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area included in the 2005 Transit Development Program (TDP) update (Figure IV-3, page IV-23), we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues to advance the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County Line. Please ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT Staff.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period of October 1, 2006 to September 30, 2007, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.

**Cc:** Albert Hernandez, Deputy Director  
MDT Planning and Engineering  
Mario G. Garcia, Chief  
MDT System Planning Division  
Helen A. Brown, Concurrency Administrator  
Department of Planning and Zoning



# Memorandum



**Date:** November 30, 2006

**To:** Dianne O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Vivian Donnell Rodriguez, Director  
Park and Recreation Department

**Subject:** Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2007. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR: WHG:BF:RK

**cc:** Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD

## 2006 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	332,396	36,047	368,443	1,013.21	963.51	455.52	85.32	1,504.35	491.14	1.484
2	520,177	33,762	553,939	1,523.31	1,476.12	447.53	139.79	2,063.44	540.13	1.354
3	141,699	59,407	201,106	553.03	578.93	126.30	6.90	712.13	159.10	1.287
TOT:	994,272	129,216	1,123,488	3,089.55	3,018.56	1,029.35	232.01	4,279.92	1,190.37	1.375



# Memorandum



**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

# Memorandum



**Date:** September 15, 2006

**To:** Diane O'Quinn Williams, Director, Department of Planning and Zoning

**From:** *Kathleen Woods Richardson*  
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

**Subject:** Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2013 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2007), at which time a new determination will be issued. If, however, a significant event occurs which substantially alters the projection, the Department will issue an updated determination.

## Attachment

cc: Vicente Castro, Deputy Director, Operations  
Dana M. Moss, Sr., Deputy Director, Administration and Finance  
James Bostic, Assistant Director, Operations  
Asok Ganguli, Assistant Director, Technical Services  
David Ritchey, Assistant Director, Administration

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MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

**Department of Solid Waste Management (DSWM)**  
**Solid Waste Management Disposal Facility Available Capacity**  
**From Fiscal Year 2006-07 Through Fiscal Year 2015-16**

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLED
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
OCT. 1, 2006 TO SEPT. 30, 2007	1,776,000	783,085	167,000	616,085	2,499,001	180,000	2,319,001	1,896,521	354,000	1,542,521	250,000	951,000	825,000
OCT. 1, 2007 TO SEPT. 30, 2008	1,776,000	616,085	167,000	449,085	2,319,001	180,000	2,139,001	1,542,521	354,000	1,188,521	250,000	951,000	825,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,776,000	449,085	167,000	282,085	2,139,001	180,000	1,959,001	1,188,521	354,000	834,521	250,000	951,000	825,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,776,000	282,085	167,000	115,085	1,959,001	180,000	1,779,001	834,521	354,000	480,521	250,000	951,000	825,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,776,000	115,085	115,085	0	1,779,001	231,915	1,547,086	480,521	354,000	126,521	250,000	951,000	825,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,776,000	0	0	0	1,547,086	574,479	972,607	126,521	126,521	0	250,000	951,000	825,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,776,000	0	0	0	972,607	701,000	271,607	0	0	0	250,000	951,000	825,000
OCT. 1, 2013 TO SEPT. 30, 2014	1,776,000	0	0	0	271,607	271,607	0	0	0	0	250,000	521,607	825,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,776,000	0	0	0	0	0	0	0	0	0	250,000	250,000	825,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,776,000	0	0	0	0	0	0	0	0	0	0	0	825,000
REMAINING YEARS				4			7			5			

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	167,000
SOUTH DADE LANDFILL	180,000
NORTH DADE LANDFILL	354,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u>951,000</u>

Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

\*\* South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes to South Dade Landfill and WMI.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated August, 2006.



## MEMORANDUM

*original to Helen Brown  
cy to Al Jones*

TO: Diane O'Quinn Williams  
Director  
Department of Planning and Zoning

DATE: September 12, 2003  
SUBJECT: Solid Waste Disposal  
Concurrency Determination

FROM: Andrew Wilfork  
Director  
Department of Solid Waste Management

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed, under construction, subject to a binding executed contract for construction, or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of 15 years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements and long term contracts as well as anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS until 2015 or seven (7) years beyond the minimum standard. This determination is contingent upon the continued ability of the County and its disposal service contract providers to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to permit development orders to be issued. This determination shall remain in effect for a period of three (3) fiscal years (ending September 30, 2006), at which time an updated determination will be issued. If, however, a significant event occurs which substantially alters these projections, the Department will issue an updated determination.

Attachment

cc: Pedro G. Hernandez, P.E., Assistant County Manager  
Victoria Garland, Acting Deputy Director, DSWM  
Vicente Castro, Assistant Director for Technical Services, DSWM  
Paul J. Mauriello, Acting Assistant Director for Disposal Operations, DSWM  
Charles W. Parkinson, Jr., Acting Assistant Director for Administration, DSWM

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ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING

BY \_\_\_\_\_



Department of Solid Waste Management (DSWM)

Solid Waste Facility Capacity Analysis

Fiscal Year 2002-2003

Year	Waste Projections (tons)	RESOURCES RECOVERY FACILITY					RTI FACILITY				LANDFILLS			WHEELABRATOR (contract had ended on 12/31/02)	Total
		On-site Gross Tonnage	Unders to South Dade	Shredded Tires to South Dade	Ash to Ashfill	Net Tonnage	RTI Gross Tonnage	RTI Rejects to North Dade and Medley Landfill	Okeelanta Ash to R.R. Ashfill	Tonnage	SOUTH DADE	NORTH DADE	WMI		
											Garbage	Trash	Garbage & Trash		
					[1]	[2]			[3]	[4]	[5]	[6]	[7]	[8]	[1]-[8]
2003 *	1,837,000	936,000	196,000	17,000	119,000	604,000	270,000	54,000	27,000	189,000	410,000	333,000	146,000	8,000	1,836,000
2004 **	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2005	1,715,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	273,500	395,000	100,000	0	1,715,500
2006 ***	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2007	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2008	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2009	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2010	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
2011	1,705,500	936,000	178,000	14,000	122,000	622,000	270,000	67,000	27,000	176,000	263,500	395,000	100,000	0	1,705,500
RESOURCES RECOVERY			GARBAGE	TRASH	TIRES	TOTAL									
* TOTAL @ 1.84M			853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)									
				270,000		270,000 (RTI)									
** TOTAL @ 1.72M			853,000	69,000	14,000	936,000 (91% Garbage; 9% Trash, includes Tires)									
				270,000		270,000 (RTI)									
*** TOTAL @ 1.71M			853,000	69,000	14,000	936,000 (91% Garbage, 9% Trash, includes Tires)									
				270,000		270,000 (RTI)									
TOTAL WASTE STREAM PERCENTAGES @1.84 MILLIONS TONS															
GARBAGE 54.3%						997,000									
TRASH 44.4%						816,000									
SPECIAL (includes Tires) 1.3%						24,000									
TOTAL						1,837,000									

REMAINING CAPACITY BY FACILITY AT END OF FISCAL YEAR

Year	Ashfill Capacity *	South Dade Capacity **	North Dade Capacity ***	WMI **** Disposed
Base Capacity	207,000	4,352,000	3,130,000	146,000
2003	61,000	3,942,000	2,797,000	100,000
2004	0	3,668,500	2,402,000	188,000
2005	0	3,395,000	2,007,000	249,000
2006	0	3,131,500	1,612,000	249,000
2007	0	2,868,000	1,217,000	249,000
2008	0	2,604,500	822,000	249,000
2009	0	2,341,000	427,000	249,000
2010	0	2,077,500	32,000	249,000
2011	0	1,702,000	0	500,000
2012	0	1,294,500	0	500,000
2013	0	887,000	0	500,000
2014	0	479,500	0	500,000
2015	0	72,000	0	500,000
2016	0	0	0	
2017	0	0	0	
2018	0	0	0	
Total Remaining Years	0	12	6	

\* Ashfill capacity includes cells 17 and 18; cells 19-20 have not been constructed. When cells 17 and 18 are depleted Resources Recovery Plant Ash and Okeelanta Ash go to South Dade Landfill and Medley Landfill (WMI).

\*\* South Dade includes cells 3 and 4; cell 5 has not been constructed. Assumes all unders consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes WMI and South Dade Landfill.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons; Minimum Contractual Tonnage per year is 100,000 tons. WMI disposal contract ends September 30, 2015. After WMI disposal contract ends tonnage goes to South Dade Landfill.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated October 2002.

### JOINDER BY MORTGAGEE

The undersigned, **Ocean Bank**, a Florida banking corporation, and Mortgagee under that certain mortgage filed for record January 19, 2007, in Official Records Book 25291, Page 2585-2599, of the Public Records of Miami-Dade County, Florida, covering all/or a portion of the property described in the foregoing Declaration of Restrictions does hereby consent to the execution of the Declaration of Restrictions by Alessandro Holdings, LLC, and agrees that in the event Mortgagee or any other party shall obtain title to the property through foreclosure or deed-in-lieu of foreclosure, this Declaration of Restrictions shall be binding upon the entity obtaining title as the then owner of such property.

IN WITNESS WHEREOF, these presents have been executed this 17 day of July, 2007.

**WITNESSES:**

*Vanessa Gonzalez*  
Signature  
Vanessa Gonzalez  
Print Name

*Paulux Jean-Charles*  
Signature  
PAULUX JEAN-CHARLES  
Print Name

**OCEAN BANK, a Florida banking corporation**

By: *Oscar Valdes*  
Signature

Print Name: Oscar Valdes

Address: 780 NW 42 Ave  
Miami FL 33126  
(Corporate Seal)

STATE OF FLORIDA     )  
  ) SS  
COUNTY OF MIAMI-DADE )

The foregoing instrument was acknowledged before me this 17 day of July, 2007, by Oscar Valdes, as president/senior vice president of Ocean Bank, a Florida banking corporation, on behalf of the corporation. She/He is personally known to me or has produced \_\_\_\_\_, as identification and did/did not take an oath.

*Vanessa Gonzalez*  
Notary Public - State of \_\_\_\_\_  
Print Name \_\_\_\_\_

My Commission Expires:

# 4665862\_v1

